STATEMENT REGARDING ORDINANCE

Indian Council of World Affairs (Second) Ordinance, 2001

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI OMAR ABDULLAH): Sir, on behalf of SHRI JASWANT SINGH I lay on the Table a statement (in English and Hindi) explaining the circumstances which had necessitated immediate legislation by the Indian Council of World Affairs (Second) Ordinance, 2001.

STATUTORY RESOLUTION

SEEKING APPROVAL OF PROCLAMATION ISSUED IN RELATION TO THE STATE OF MANIPUR

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI) : Mr. Chairman, Sir, I rise to move:

> "That this House approves the Proclamation issued by the President on the 2nd June, 2001 under article 356 of the Constitution in relation to the State of Manipur."

Sir, if I recall right, in the last three-and-a-half years of this Government, this is the second occasion when I have risen in this House to move a Motion of this kind. The first time was in relation to Goa; and, now, this is in relation to Manipur. In the other House, there were three occasions when such a Motion was moved. The third Motion relating to Bihar was passed by the other House, but was later revoked by the .Government, and, therefore, it was not brought here. This particular provision of the Constitution, that is, article 356, is a kind of sequel to article 355. Articte 355 imposes a duty on the Union Government to ensure that the Government of a State is carried on in accordance with the Constitution. If a Government is not being carried on in accordance with the Constitution, article 356 arms it with the requisite powers to see that appropriate action is taken, and Parliament is able to ensure that the Government of the State is carried on in accordance with the Constitution. This is one jof the most important provisions which bears upon the Centre-State relations. In fact, when it was first adopted in the Constituent Assembly, many pointed out that in a federal structure, such a provision was rare. It was almost nonexistent. But the Constituent Assembly, considering all aspects of the problem, came to the conclusion that, in India, it was necessary, though it should be used sparingly. In 1983, the then Prime Minister, Shrimati

Gandhi, set up a Commission to undertake a comprehensive study of Centre-State relations. The Commission is known as the Sarkaria Commission because, a retired judge of the Supreme Court, Justice Sarkaria, was asked to head it. I regard that Commission's report as a very valuable document for studying Centre-State relations and their development in India. In this particular document, Justice Sarkaria has said, "Article 356 should be used very sparingly in extreme cases as a measure of last resort when all available alternatives fail to prevent or rectify a breakdown of constitutional machinery in a State." Then, it goes on to analyse what can constitute a breakdown of constitutional machinery, and says, "A failure of constitutional machinery may occur in a number of ways. Factors that contribute to such a situation are diverse and imponderable. It is, therefore, difficult to give an exhaustive, catalogue of all situations which would fall within the speak of the phrase 'the Government of the State cannot be carried on in accordance with the provisions of the Constitution'.

Even so, some instances of what constitutes and what does not constitute a constitutional failure within the contemplation of this article, may be grouped and discussed under the following heads. And it goes on to elaborate what is constitutional failure and what is not; these are the cases where, if you invoke article 356, it will be considered as an abuse; these are the cases where invocation of article 356 would be justified. The first head is 'political crisis'. Under this head, it says, I again quote: "A constitutional breakdown may be the outcome of a political crisis or a deadlock. This may occur where the Ministry resigns or is dismissed on loss of its majority support in the Assembly and no alternative Government commanding the confidence of the Assembly can be formed." I hold that the motion that I have brought to this House today relates to a situation which comes precisely within the definition of Sarkaria Commission and it is a kind of a textbook case, justifying imposition of President's Rule. It is hardly a matter of controversy. I have not known of a single case during the last 50 years where every party in the Assembly, almost every Member of the House has recommended President's Rule; otherwise, the normal response of any legislator is "why should you cut short our tenure; we have been elected for five years and, therefore, we should be allowed to continue for five years." Whereas, in this case, the last Government, I am not going through the entire history that is, the Assembly was constituted on 1st[l] March, 2000. Since then, all the Governments that were formed were unstable. The last Government was formed on 15th of February, 2001. It was a Government having the support of 59 Members, in a House of 60. I give credit to the

principal opposition in this House that the only Member of that party preferred to stay in the Opposition rather than become a Minister himself. I have always had respect for that single Member of yours in the Assembly. In the House of 60, there was a governmental group. It was a mixed group of 59. And, out of 59, 34 Members were in the Council of Ministers. So, it was a very peculiar case. A Confidence Motion was moved in the House because some Members had withdrawn support to the then Chief Minister, saying they were not supporting him. The session was called, especially, to prove the majority of the Government. On the 21st of May, 2001, the Vote of Confidence moved by the Chief Minister was defeated, with 17 MLAs voting in favour and 39 MLAs voting against. The Chief Minister resigned the same evening. The Governor accepted the resignation and asked him to continue in office till alternative arrangements were made. From 21st May to 31st May-, that is, for 10 days- the Governor went through the motion of inviting everyone possible. "Can you form the Government?" "Can you form the Government?" And, he mentioned this to all the Members, all the party leaders, all the parties, who met him during that period, and, by 31st he had decided what to do. Sir, I quote from paragraph 9 of the Governor's Report which has already been given to the Members of the House.

It says: "I have waited patiently all these days since the 21st May and given ample time to all the political groups to come up with a credible alternative. However, in spite of all my efforts to explore the possibility of the formation of a stable ministry, no group or party has so far come up with a credible claim for the formation of a stable ministry. As a committed believer in the value, validity and efficacy of the parliamentary system of democracy, it saddens me to come to the conclusion that the constitutional machinery in the State has broken down. In view of almost unanimous demand from all the major political parties, I am constrained to recommend President's Rule under Article 356 of the Constitution of India."

This is the Governor's report, which has been circulated, in which, in the preceding paragraphs before the said paragraph, he mentioned all the names of the parties, MLAs and the party leaders who met the Governor and said that the President's Rule be invoked. However, the difference was there. One section said that the Assembly should be kept in suspended animation and the other section said that the Assembly should be dissolved. The Governor himself recommended, "Keep the Assembly in suspended animation on the ground that the situation was not yet ripe for holding of elections." So far as the Government is concerned, the Government took

note of this recommendation of the Governor that the Assembly be kept In suspended animation. But it also took note of the judgement of the Supreme Court in the Bommai case in which the Supreme Court had said that it would be very odd if a House is dissolved, and, thereafter, the Parliament does not approve of the President's Rule. And, therefore, it is desirable that in such cases, the Assembly be kept in suspended animation and only after the two Houses of Parliament have endorsed the Proclamrtion, that the Government decide to dissolve the House, and not before that. It is, therefore, that the Government decided that we will keep the House in suspended animation and have the motion placed before both the Houses and have it approved by both Houses. And only after it is approved by both Houses, the Government will proceed towards dissolution. I would like to say that even before this kind of crisis came up in Manipur in which all the political parties unanimously recommended to the Governor that the President's Rule should be imposed, the Government did evaluate the situation in Manipur and felt that the Government of the State was not being carried on in accordance with the Constitution. There are references even in the Governor's report about the situation in Manipur before this situation developed. Paragraph 8 of the Governor's report talks about the law and order situation in Manipur. It says, " As many as 40 persons were killed in the underground-related violence in April this year." Sir, it was before this situation developed. Therefore, the Government is of the view that after this House and the other House approve of the Proclamation, under these circumstances, we would not delay long, and we would dissolve the House, but in respect of when to hold elections etc., we would be consulting various political parties, and. we do not think that today is the right occasion for holding elections right now. This is the situation by and large. I believe that while the situation in Manipur has another dimension about which, maybe, the House may have an occasion to discuss again, the situation that has developed after the month of May, relating to the ceasefire pact with the NSCN(IM).

In that regard, I can only mention at this point that the Prime Minister had assured the representatives of Manipur that he would be reviewing that agreement. In the process of reviewing, already discussions have been held with several people, including MPs from the North-East, who met me yesterday. Besides that, the Chief Ministers of all the North-Eastern States are meeting .the Prime Minister this evening. Whatever decision is to be taken, would be taken after that. Maybe, in that regard also, the

Government will come to this House and say what the decision has been. And then, if need be, a discussion on that issue may also take place. That will be up to you.

So far as this particular Proclamation is concerned, I feel that there is litlte scope for controversy in these circumstances and I would be grateful to the House if it approves of this Proclamation unanimously.

The *question was proposed*

SHRI PRANAB MUKHERJEE (West Bengal): Sir, the Presidential proclamation under Article 356 of the Constitution imposing the President's Rule in the State of Manipur is no doubt a difficult decision. After all, the Assembly was elected in the year 2000 and it has its life for more than three years and nine months. In that situation, to deny the people of the State to have a Government of their own is a difficult decision. But, at the same time, the situation which is prevailing there, as has been very correctly pointed out by the Home Minister, while initiating the discussion on the Proclamation is that there is an inbuilt instability in the composition of the State Assembly, where, despite the fact that 59 Members of the State Assembly supported a ruling coalition, but the coalition from the day one --it has been mentioned in the Report of the Governor from 15th February, 2001 when - Mr. Radha Binod Koijam formed the Government, from that very moment, because of this inbuilt instability, he felt unsure of his position. There was an instability despite the fact that the arithmatic was overwhelmingly in favour of the Chief Minister. How did it happen? It happened because of the very simple fact that the Members were elected on the mandate of a particular party and thereafter they changed the mandate of the people as they liked and some of them changed sides, not once or twice, but four to five times in a span of 15 months. That is the reason why there was an inherent inbuilt instability which did not provide any stable Government and the crisis arose there. Who was this Mr. Koijam? I am not going into this individual, but the very fact is, he being my party President there, the leader of my party there, one morning I found that he ran away. Out of eleven Members, there were 10 Members with him, who formed a party and he became the Chief Minister. He joins another party. I would not like to go into the history of this, but if you look into it, you will find that a person who was the Congress Chief Minister, not once, but three times, is leading the BJP group in the State Legislature. He was a Congress Party Chief Minister for three times. There is another Congress leader, who is heading the Samta Party. Therefore a situation

naturally arises where they completely lose their credibility there. What is happening in Manipur today?

No doubt, they are scared of their territorial integrity. I would not like to discuss this subject right now because of the very fact that the Prime Minister is going to have a discussion. All of us are anxiously waiting and praying that some resolution would emerge by evening so that the tension which has been created in the North-East can be eased and does not explode. Already, we have enough problems in the North-West. We are already having problems in the North-East Region. Let these problems be not aggravated by just trying to secure a point here and jeopardising the national interest. Therefore, I am not going to make any comment on that aspect. I do hope the Prime Minister and the Home Minister, in consultation with the Chief Ministers of the States concerned, would be in a position to work out a mechanism and formulate something which will ease the tension. But one of the reasons we shall have to understand. It is not merely the three words in the Ceasefire Agreement, when territorial limit can create so much tension in the State especially in the minds of the young people of Manipur, because when they found that the MLAs betrayed their confidence, changed sides from this side to that side, with impunity, that resulted in a situation which called for this action.

I am supporting this Resolution. The hon. Home Minister has referred to article 355. I quote: "Duty of the Union to protect States against external aggression and internal disturbance: It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the Government of every State is carried on in accordance with the provisions of this Constitution." There is an external aggression; and there are internal disturbances also. Even before this political crisis cropped up, what happened there in April, 2001. The Governor has referred to the law and order situation in Manipur, in para 8.

1am referring to an incident which took place on 20th October, 2000, almost one year ago. I have prepared a note, based on various newspaper reports. "In a serious incident on October 20,2000 about 40/50 armed PLA activists overran the Jiribam Police Station, snatching 36 weapons (fourteen .303 rifles, 12 SLRs, one sten carbine, four 9 mm pistols, three .38 revolvers, 2 musket rifles) with ammunition and two tear smoke guns. The PLA activists also damaged the telephone and wireless sets in the PS. They reportedly came in a truck of Jiribam Electricity office and one Maruti Gypsy allotted to the SDPO Jiribam, keeping the SDPO Jiribam, the 2nd OC,

Jiribam PS and the SDPO's driver inside the Gypsy with their hands tied with nylon ropes. They escaped in the same vehicles along with the snatched weapons after releasing the two police officers and the driver. The hijacked Gypsy was later found abandoned at Yairoipokpi Hmar village." There was a total connivance between the administration, the bureaucracy, the political executive and the militants. Therefore, the State has to be protected from internal disturbance; and it is the duty of the Union Government. Article 355 empowers the Union Government with this responsibility, to intervene on other grounds not merely on the ground of failure of the Constitutional machinery.

Of course, we have differences. Sitting on this side, we have been accused that we have misused Article 356 umpteen number of times. I am not agreeing to that. But the very hard core fact is that both Mr. Advani and myself were a party to a decision which retained Art. 356 in the Constitution. Today, we shall have to keep in view that in our anxiety, the 44th Amendment was introduced, many Members very strongly advocated complete deletion of Article 356 from the text of the Constitution. However Good sense prevailed. Advaniji was the Leader of the House at that point of time. We were sitting exactly on the same side, as we are now i.e. in opposition. The public opinion was in favour of that Article 356 should be completely deleted from the text of the Constitution. However, finally it was amended and the period was limited but not deleted. In the original Constitution, the period of the President's Rule under Article 356 was for a longer duration. Of course, it was to be renewed, reapproved by the Parliament at the interval of six months. But it was not limited to only one year, which was done through the 44th Amendment introduced in 1978. We had too problems. We had too problems in Punjab where elections could not be held. As a result, you will find that a number of times, when the elections could not be held in Punjab in the late 80's and early 90's at the expiry of one year, we had to amend the Constitution only to ensure that the President's Rule continued in Punjab. Therefore, the lesson, perhaps, we can draw, is that in a momentary excitement, we should not tamper with some of the very basic provisions of the Constitution. Similarly, with regard to the Emergency under Article 352, the same clauses were there. The words 'armed rebellion' were not there. The words 'Internal disturbance' were there, and those words were changed by the new words, that is, 'armed rebellion and external aggression'. Therefore, if the Government of the day, in its wisdom, think it fit to do it they can not do so now. After all, it is the responsibility of the Government to run the country, to' protect the

territorial integrity, to protect the Constitution and to uphold the Constitution. If they feel that Emergency is to be proclaimed under Article 356 on internal disturbance, they cannot do it today because, those words are not there, which were there earlier, in the original Constitution. The point which I am trying to drive is that, apart from the political crisis which prevailed in Manipur, apart from the floor crossing and horse trading which took place in Manipur, which is highly objectionable, specially, in a sensitive State like Manipur, in a border State like Manipur, the internal disturbance prevailed there. We found in the year 2000 itself that in the Morey police station, which is just on the border of Burma, some people just simply walked in, took away arms from the police personnel and ran away. When this particular SDPO, who lent his car to be utilised by the PLA, was asked to be suspended, you will be surprised to know as to what happened. The D.G. Police went to the Chief Minister and the Deputy Chief Minister and requested them that the SDPO should not be suspended, and he should be utilised to negotiate with the PLA. 36 arms have been stolen, and they have agreed to return the some arms. So, 16 arms they will return and 20 arms they will keep. So, long before this political crisis arose there, everyday, every week, at an appointed time, a bus, led by the so-called undergrounds, will come. They will go to the officers who are to dispose of the files relating to some contracts. They will take them to the underground headquarters. So, the officers will be taken, the head of the department will be taken to some place. They will have to sign the contracts, and thereafter, they will be sent back. One day, in a Government file, a note was found from the "Assistant Finance Secretary of the PLA".

He is directing the Departmental Head to do certain things and have the cheek to just send a slip from the Assistant Finance Secretary to the P.L.A. So, this type of administration we had there! There is no doubt that they are elected by the people. There is no doubt that they are M.L.As, they are the people's representatives, but, at the same time, they should not forget that they owe a responsibility to the people to protect them, to protect the Constitution and to act as per the Constitution. What has happened there? As political beings, all of us are responsible, and it is no use passing the buck to them and condemning them alone. We have to see that in these sensitive areas, in these sophisticated institutions of parliamentary democracy which are new to them, we have to fit them in their own old, traditional culture. But they are not fitting, they are not mixing. Therefore, a way-out has to be found out. This is my respectful submission to the Home Minister.

I mentioned to my hon. colleagues, through you, Sir, that I would not like to make any comments on this particular problem which we are having, but only one point that I would like to emphasise is that for God's sake, please try to see that the administration is overhauled there. You required the best civil servants. And what had happened? You got the most reluctant ones. Some mechanism is to be worked out so that you get the best people; they stay there and they develop a culture there. Unless they develop a culture and unless they identify the aspirations of the people, it would be extremely difficult to run the administration there because these are small States. They have their own, old traditions which are outside the mainstream. They are not accustomed to the instruments, the mechanism and the methodology which we are having, and despite the fact that many of the States have adopted this type of Government, this form of Government, they are not accustomed or used to it. Merely demanding, let us pump in more money in their developmental projects, won't help because the more the money you pump in, the more it goes to the coffers of the extremists. If there is a DGP like him, and if you give them more sophisticated weapons like AK-47 and also new series of automatic rifles, they will go into the hands of the extremists. Therefore, this is really a contradictory position. The point which I am trying to drive at, Mr. Chairman, is that these areas require undivided attention of the Union Government, the Union Home Minister in particular, because he is responsible. If we cannot provide them stability, if we cannot provide them the instrumentality through which they can develop themselves, and the whole nation can contribute in that, then this explosive zone will explode, and once it explodes, I am afraid, the problem will be much more serious than that of the North-Western Region.

Sir, the last point on which I would like to make my observations and then I would conclude, is this. As the hon. Home Minister has assured us--and I do assume that he will not only not delay it but he will do it as fast as poss'ble-that after the approval of the Presidential Proclamation in this House and in the other House.-and, to be very frank, Mr. Home Minister I can assure,--"Your anxiety will be over."The moment this House approves the proclamation-because we are the jokers in the pack of cards--"lf we had objected to that, then you would have found it difficult to get it passed." But we are supporting the proclamation. So, when you get it approved in this House, you will have no problem in crossing the hurdles in the other House as you have majority there. Therefore, as soon as it is approved by the Lok Sabha, you should dissolve the House. Though, I have

full sympathy for the elected Members of the Assembly who have three years and nine months to go, but, at the same time, though unpleasant it may appear, I am sorry to say that, they have invited trouble for themselves.

They have betrayed the mandate and they will have to pay a price for that. There is no way out. If you cannot run the administration, if you succumb under the pressure of the extremists, the so-called underground elements, you will lose not simply a territory, a part of India, but the State of Manipur, of which all of us are proud. It is a piece of land of our country which came under the British rule in 1893, when Tikanderji was hanged and Manipur was conquered by the British. In 1947, it became free. The INA first came into an area near Moreh and unfurled the flag of free India, and that part of India was liberated. So, it has an emotional attachment to the whole of India. It was under the British rule for only 54 years. Therefore, the integrity of that territory must be maintained, its own rich culture must be preserved. At the same time, the people must enjoy the fruits of development, along with their counterparts in the country.

With these words, I support the motion moved by the hon. Home Minister for the approval of the proclamation. Now, it is the responsibility of the Union Home Minister, the Home Ministry, the Government of India, to ensure that the Constitutional machinery functions there. The political Executive goes and the Legislature goes. But all other apparatus remains. The Executive powers will be exercised by the President. The normal practice is to form a Consultative Committee of Members of Parliament to help in making legislations. That is the normal practice. You must include the Members of the North-Eastern States in the Consultative Committee to help the Parliament in regard to legislations, if you can appoint the right type of advisers to help the Governor, it would be better. It requires a strong administration. There is no denying that fact. Now, it is your responsibility; and I hope, you will be able to provide safety and security to the people and maintain the territorial integrity of Manipur. Thank you, Mr. Chairman, for giving me this opportunity.

I am sorry, Mr. Chairman. I had used a word, though it was not in a derogatory sense. I said, "We are only the jokers in a pack of cards". I find from this book, it is unparliamentary. So, if you permit me, I withdraw the word "jokers". ...*(Interruptions)*...

MR. CHAIRMAN: Shri B. P. Apte.

SHRI B.P. APTE (Maharashtra): Mr. Chairman, it is not unparliamentary.

Mr. Chairman, I rise to support the Resolution and, at the outset, I would like to place on record my deep sense of appreciation of the political sagacity shown by the main Opposition in supporting this very correct Resolution. If any situation answers the description of the circumstances contemplated by article 356 of the Constitution, it is the situation in Manipur. The article deals with the failure of the Constitutional machinery in the States and then, almost as a paraphrase, it says "...the circumstances where the Government of the State cannot be carried on in accordance with the provisions of the Constitution", and, in letter and spirit such a situation arose in Manipur which required the Proclamation to be issued on 2nd June. It is almost a matter of coincidence or a matter which is almost designed to bring to the attention of the entire country the situation obtaining in Manipur, that, after the proclamation of 2nd of June the Nagaland Accord was announced on 13th June and 18 June saw large-scale violence throughout the State of Manipur. The violence reflected an anguished psyche where people were disturbed by the politics of their leaders and, therefore, in the violence they did not spare the State leaders. The people felt like expressing their grievances which were simmering during the last few years. The incidents which Shri Pranab Mukherjee has mentioned occurred sometime in October 2000. I was in Manipur around that time of the year and I heard instances after instances of how . 'the underground' there was ruling the State. This was concluded by everybody in the Government and outside. We know how trucks were stopped on the Highway and a few hours were given to them. Every truck was to give a toll to the underground. The Assam Rifles knew about it but they did not venture until the time limit determined probably between themselves was ' over. There was a *Patwa* issued by the 'underground': The Hindi telecast in the whole region was stopped not by Doordarshan but by the cable operators. Nobody could have the Hindi telecast in his house. On every salary day, there were deductions from the salary at the official counters in the Secretariat, in banks and those deductions were dutifully handed over to the underground. The State was in debt. There was no money. University teaciers were not getting their salaries for months. In such circumstances, grievances took a back seat and people started thinking that the people of Manipur are patriotic, have a tradition of 5,000 years, are part of the milieu of this country, are part of the culture of this country and, therefore, they

are good and, therefore, they are neglected. If you take up arms, if you go underground, if you revolt, everybody looks at you and everybody gives you concessions. A university teacher said, "Every other State in our Region, the Seven Sisters, has a Central university. But Manipur does not have a university because Manipur does not have that kind of cesessionism." That was the situation in which politicians prospered in a different way. We found that the Assembly was constituted on the 1st of March, 2000 and even before the Members took oath, the Members belonging to four political parties split their parties and the political anarchy continued from March, 2000 up to the Proclamation of President's Rule. It is there for everybody to see. We find that this situation arises because a defection which is sinful, which is immoral, which is anti-democratic has been given a constitutional sanction by virtue of the adoption of the Xth Schedule. I find that defections are converted into splits with the game of numbers and the split protects the person in his seat. He can get away with his sin.

This is possible because of the provision of split in the Xth Schedule. History tells us that one of the greatest splitters in Indian political life was instrumental in providing this exception to the general rule of defection being a ground for disqualification, and split is, therefore, given constitutional sanction. This is almost a constitutional foundation for a constitutional anarchy when you permit unscrupulous politicians to change sides for the purpose of power, in the name of an ideological split. I believe, this is nothing but a fraud on the Constitution. It is time for us to reconsider such provisions of the Constitution. History tells us that a dictatorship was established in Germany through the Constitution. History of this country tells us that a dictatorship was sought to be established in this country through the provisions of the Constitution, and we find that a candidate disqualified from contesting an election is ruling a State in view of the provisions of the Constitution. Therefore, if such distortions are possible in the express words of the Constitution, then it is time that after 50-years of our Independence and of our Republic, this country enters into a serious exercise of reforming the Constitution. That exercise has now become necessary because the defects of the Constitution have been, in a way, thrown up before us by all these instances.

It was rightly mentioned that article 356 was also under the threat of a kind of change which would permit anarchy in the States. Fortunately, better sense prevailed, and article 356 holds its own place. Question arises

about the interpretation of this article. There, I believe, much is desired to be done even today, even after the decision in the Bommai case. In fact, it is necessary to seriously debate the consequences of such a decision where not on the ground of failure of the Constitutional machinery in the State, but on the ground of some abstract principles somebody says that the State violated Constitution. I believe, the mandate in the Bommai case has to be seriously debated to find out the real meaning of article 356.

Sir, I began by saying that if any situation answers the description in article 356, *viz.* a situation where the Constitutional machinery has failed, it is Manipur. Manipur is another small State which is contributing to this distortion being highlighted before the people, after Goa. I used to tell my friends in Goa that they have greatly contributed to the law governing defections, by providing case after case and by providing those cases to the Supreme Court to lay down as to where a split occurs and as to when a defection is illegal and not contemplated by the Constitution, and the formation of the Government is bad. Now, after Goa, another small State has given us a graphic picture where, even before the Members took their oath, they split their parties. In a House of 60, 34 Members became Ministers. I believe, it is high time this House and Parliament consider how such a situation is not permitted under the Constitution, whether there can be a ceiling on the number of Members becoming Ministers under a particular structure, whether every Member of the House can be a member of the Government and survive on the basis of that, whether this is permissible, whether this ought to be permitted -- under today's Constitution; it is permitted -- whether the Constitution needs a change in this regard to bring about political decency, political morality, and, above all, a governance which is pro-people.

I believe, the Manipur situation has given rise to all these questions in which it is imperative for the political class of this country to respond. I believe, the Manipur situation has also made us aware that the use of article 356 can be done in a manner which is correct. And, article 356 needs to be examined, for the purpose of cases where it ought not to be used.

I, therefore, submit to this House that this is a fit case where the Resolution should be supported and passed unanimously. Thank you.

श्रीमती सरला माहेश्वरी (पश्चिमी बंगाल): धन्यवाद सभापति महोदय, माननीय गृह मंत्री जी एक ऐसे समय में मणिपुर में राष्ट्रपति शासन के अनुमोदन का प्रस्ताव लेकर आए हैं जब मणिपुर जल रहा है। और यह मणिपुर क्यों जल रहा है इसका जवाब भी सिर्फ केन्द्र सरकार या

आप दे सकते है, जिस तरह से इस सवाल का जवाब भी सिर्फ आप ही दे सकते हैं कि मणिपुर में राष्ट्रपति शासन क्यों लागू किया गया। इन दोनों स्थितियों के लिए कोई और नहीं, बल्कि केन्द्र सरकार जिम्मेदार है। आज मणिपुर में हजारों लोग सड़कों पर उतरे हुए हैं और अपनी जान देने पर आमादा हैं। इसके लिए कोई और नहीं, बल्कि हमारी केन्द्र सरकार का अदूरदर्शितापूर्ण रवैया और राजनीति को छल-कपट का प्रयाय समझने की उसकी समझ, हमारे राष्ट्र के संघीय ढ़ांचे में राज्यों के प्रति संवेदनहीनता की उसकी नीति – ये सब ही वह कारक रहे हैं जिन्होंने मणिपुर में आज यह स्थिति पैदा कर दी है। महोदय, एन.एस.सी.एन.(आई.एम.) के साथ जिस तरह से रात के अंधेरे में मणिपुर के लोगों को अंधेरे में रखकर, उत्तर पूर्व के राज्यों को विश्वास में न लेकर यह जो संघर्ष विराम का समझौता नागालैंड विद्रोहियों के साथ किया गया, और सिर्फ उसकी मियाद को बढ़ाने का ही नहीं, बल्कि उसका विस्तार नागालैंड के बाहर भी करने का जो आपने स्वेच्छाचारितापूर्ण निर्णय लिया, उसी का यह दुष्परिणाम है। महोदय, राज्य में राष्ट्रपति शासन लागू करने का जहां तक प्रश्न है, इस सरकार के फैसले के पीछे, मेरे विचार से कोई संवैधानिक संकट उस समय इस तरह का नहीं था और न ही कोई कानून और व्यवस्था की ऐसी असमाधेय स्थिति पैदा हो गयी थी जिसका कोई समाधान न निकलता हो। अगर कोई संकट था तो वह संकट एन.डी.ए. का था। जब एन.डी.ए. के घटक आपस में सत्ता के बंदरबाट के लिए लड़ाई कर रहे थे। महोदय, केन्द्र सरकार के इन दोनों अविवेकपूर्ण और अदूरदर्शितापूर्ण निर्णयों ने आज इस छोटे से राज्य को अशांत कर दिया है। इस 14 जून को संघर्ष विराम के समझौते की सूचना फैलने के साथ ही जिस तरह से मणिपुर बारुद के ढेर में लगाए गए पलीते की तरह भड़क उठा था, उससे पहले भी मणिपुर अखबारों की सुर्खियां में था और मणिपुर अखबारों की सुर्खियों में किसलिए था, यह हम सभी जानते हैं। महोदय, वह इतिहास और उस समय की परीस्थितियों का मैं जिक्र करुं, मेरे और भी साथियों ने उनका जिक्र किया है। बहुत ही वितृष्णा भरी स्थिति थी। एक अरसे से हमारे देश की शासक पार्टियां जिस तरह से वहां दल बदल के जरिए एक चरम अवसरवादिता की राजनीति खेल रही थी, उसी की यह चरम घिनौनी परिणति थी। वहां पहले कांग्रेस के नीपा माचा सिंह की सरकार थी । इस फरवरी महीने में नीपा माचा सिंह के साथ एक अनोखा समझौता किया गया था और दल-बदल के जरिये एक से अचानक 13 की संख्या तक पहुंच गयी समता पार्टी के नेता कोईज़ाम के नेतृत्व में सरकार बना दी गयी और अदभुत यह है कि पहले के मंत्री मंडल में जो लोग मंत्री थे, वह मंत्री इस मंत्रीमंडल में भी शामिल रहे। 59 सदस्यों की चुनी हुई विधान सभा में 39 मंत्री रहे। महोदय, यह ऐसी स्थिति थी कि वही नाटक, नाटक के पात्र भी वही लेकिन सिर्फ सूत्रधार बदल गया था। इस विशाल मंत्री मंडल के गठन के बाद भी सत्ता के लिए बंदरबाट का खेल बंद नहीं हुआ। मंत्री लोग, विधायक लोग और ज्यादा से ज्यादा लाभ के पद लेने के लिए आपस में झगड़ा कर रहे थे। अभी 48 घंटे भी नहीं बीते थे कि असंतोष की आवाज़ें चारों ओर से उभरने लगी। जब वहां के विधायक आपस में लड़ाई लड़ रहे थे, उसी समय उग्रवादियों की गतिविधियां शुरु हो गई।

MR. CHAIRMAN: Hon. Members, it is 1 O clock, and 8 or 9 Members are yet to speak, and then the hon. Minister has to reply. It will be better if we sit through the lunch hour and afterwards, try to finish the whole thing before the Private Members Business. Today, the Private Members Business will start from 3 O clock instead of 2.30.

1.00 P.M.

SOME HON. MEMBERS: Agreed, Sir.

SHRI SURESCH PACHOURI: After the reply of the Home Minister, the Private Members Business may be taken up.

श्रीमती सरला माहेश्वरी: महोदय, मैं उस घटनाक्रम का जिक्र कर रही थी जब विधायक और मंत्रियों में आपस में लाभ के पदों के लिए लडाई हो रही थी। उसी समय वहां उग्रपंथियों की गतिविधियां शुरु हो गई। इम्फाल शहर के लड़कियों के दो पुराने कैथेलिक स्कूलों को बंद कर दिया गया। इसके बाद कोइजाम सरकार का 18 उग्रवादी संगठनों के साथ एक समझौता हुआ। इस समझौते को केन्द्र सरकार ने अनुमति नहीं दी। इनके साथ इस विषय में कोई बातचीत नहीं हुई और यहीं से एनडीए के दोनों घटकों में मनमुटाव शुरु हो गया। भाजपा और समता दल दोनों के बीच में एक अन्तरद्वन्द्व शुरु हो गया । इसके बाद जब कोइजाम ने उग्रपंथियों से समर्थन के आरोप में अपने मंत्रिमंडल से 6 मंत्रियों को निकाल दिया तो इसी विरोध में भाजपा के मंत्रियों ने भी इस्तीफा दे दिया। इसी बीच भाजपा में कांग्रेस से टूटकर 18 सदस्य मिल गए और भाजपा जिसकी विधान सभा में सदस्य संख्या 6 थी, 26 तक पहुंच गई। महोदय, यह अदभुत प्रजनन क्षमता हो गई, कौन सी नैतिकता का प्रश्रय दिया जा रहा था? दल-बदल कानून की किस तरह धज्जियां....

श्री संघ प्रिय गौतम: आकर्षण है।

श्रीमती सरला माहेश्वरी: आपको भी इसमें आकर्षण नजर आ रहा है? गौतम जी, आप अपने नाम का तो अपमान मत करिए।

[उपसभाध्यक्ष (श्री सुरेश पचौरी) पीठासीन हुए]

महोदय, मैं कह रही थी कि भाजपा ने किस तरह अपनी प्रजनन क्षमता का परिचय दिखाया। उसने अपनी 6 सदस्य संख्या 26 तक पहुंचा दी और वहां पर एक अजीब जोड़-तोड़ शुरु हो गई कि किस तरह वहां भाजपा की सरकार बनाई जाए। इसके बाद दिल्ली में जो नाटक खेला गया, उससे हम सभी परिचित हैं। यदि मामला मणिपुर में सरकार बनने तक ही सीमित होता तो कोई और बात होती। लेकिन मणिपुर के सूत्र केन्द्र सरकार से जुड़े हुए थे और खुद केन्द्र सरकार को अपनी नाव डूबते हुए, डोलते हुए नजर आने लगी। इसलिए मैं आपका ध्यान आकर्षित करना चाहूंगी कि विधान सभा में कोइजाम सरकार के प्रति विश्वासमत के समय समतादल के दबाव के बावजूद भाजपा के विधायकों में विह्प जो बनी थी, उसे समय नहीं पहूंचाया गया, क्यों नहीं पहुंचाया गया? इसका सीधा-सीधा कारण था जो हम सभी जानते हैं। अब तक गठबंधन में धर्म की ओट में छिपी हुई नग्न स्वार्थपरता खुलकर सामने आ गई। 21 मई को मणिपुर विधान सभा में सरकार के प्रति विश्वासमत में कोइजाम सरकार को हरा दिया गया। भाजपा के 26 विधायकों में से 24 विधायकों ने उनके खिलाफ मत दिया। तब दिल्ली में एन.डी.ए.के एक घटक भाजपा और समता दल आपस में एक दूसरे को गरिया(गाली) रहे थे, एक दूसरे को विश्वासघातक कहकर मखौल उड़ा रहे थे। वही अब सीधा-सीधा दबाव इस बात की राजनीति

पर आ गया था कि आपको केन्द्र सरकार चाहिए या मणिपुर चाहिए। हमारे गृह मंत्री जी को भी जमीनी सच्चाई का अहसास हो गया। वे यह कह रहे थे कि एनडीए से ममता निकल चूकी है और पीएमके पहले ही जा चुकी है। जनसंख्या के बारे में जो बातें चल रही थीं उससे चौटाला जी वैसे ही नाराज थे। ऐसी स्थिति में यदि समता दल किनारा कर लेता तो हाथ में मणिपुर भले ही आ जाए, देश चला जाएगा और कुछ नहीं बचेगा। ऐसी स्थितियां बन रही थीं। भाजपा को यह मानना पड़ा कि क्योंकि हमारी सरकार बनने नहीं जा रही है तो राष्ट्रपति शासन के लिए स्थितियां तैयार की गई।

श्री संघ प्रिय गौतम: सरकार आज भी बन सकती है। ऐसी स्थिति में...(**व्यवधान**)...

श्रीमती सरला माहेश्वरी: आप तो बना ही सकते हैं। जहां आदर्शों की कोई बात नहीं है।...(**व्यवधान**)...

श्री नीलोत्पल बसु (पश्चिमी बंगाल) **:** रिवोल्युशन आपके मन की इच्छा नहीं है।...(**व्यवधान**)...

श्रीमती सरला माहेश्वरी: नीतियों की कोई परवाह नहीं है। इसीलिए उपसभाध्यक्ष जी, मैं यह कहना चाहूंगी कि कोइझाम सरकार की हार के ठीक बाद इस बात की कोशिश की जाती रही कि किसी तरह से जोड़-तोड़ करके वहां पर सरकार बना ली जाए। लेकिन जब यह देखा गया कि किसी हालत में यह संभव नहीं है तो राष्ट्रपति शासन लगाने का निर्णय लिया गया। उपसभाध्यक्ष जी, यह साफ है कि उस समय राज्य में किसी तरह का कोई संवैधानिक संकट नहीं था। संकट सिर्फ एन.डी.ए. का था। राष्ट्रपति शासन लागू करने का कदम शुद्ध रुप से संकीर्ण राजनैतिक स्वार्थों को साधने के लिए ही उठाया गया था। जनतंत्र और नैतिकता का यह खुला तकाजा था और उचित तो यह होता कि आप उसी समय विधानसभा को भंग करते और नये चुनाव की घोषणा करवाते ताकि मणिपुर के लोगों में कम से कम यह विश्वास तो रहता कि यह सरकार उनके चुनाव के जनतांत्रिक अधिकार को मान्यता देती है। लेकिन आपने यह नहीं किया और आप अनैतिकता और अवसरवादिता की राजनीति को प्रश्रय देते चले गए। जहां तक वर्तमान विधायकों का सवाल है, मैं कहना चाहूंगी कि जनता में इन्होंने अपनी साख पूरी तरह से खो दी है और इधर की घटनाओं से यह साफ हो चुका है कि लोगों का विश्वास किसी भी तरह इन स्वार्थी तत्वों में नहीं रह गया है। उस पर केन्द्र सरकार का यह रवैया कि वह मणिपुर में जनतंत्र के प्रति तब तक वचनबद्ध है जब तक उनकी इच्छानुसार सरकार वहां बने और हमारे गृह मंत्री जी 355 और 356 की व्याख्याएं कर रहे थे, मैं यह अच्छी तरह से जानती हूं कि सत्ता के हित के लिए किस तरह से शब्दों को तोड़ा-मरोड़ा जाता है, किस तरह से शब्दों के अर्थ बदले जाते हैं। इसीलिए वे जनतंत्र के प्रति तभी तक प्रतिबद्ध थे जब तक उनकी इच्छा के अनुसार वहां पर कोई कठपुतली सरकार बन जाए। अगर कठपुतली सरकार नहीं बन सकती तो वे अप्रत्यक्ष रुप से राष्ट्रपति का शासन लागू करवाना ज्यादा बेहतर समझते हैं। यही वह राजनीति थी जब लोगों की भावनाओं की परवाह किए बगैर एक तरफ यह सब नाटक चल रहा था और दूसरी तरफ 14 जून को एन.एस.सी.एन. (आई.एम.)के साथ समझौता किया गया जिसके जरिए मणिपुर के लोगों ने देखा कि उनके साथ खुली दगेबाजी की गई है। इससे वहां के लोगों में वर्षों से जो गुस्सा जमा

हुआ था वह अचानक उबल पड़ा जिससे ऐसी स्थितियां पैदा हो गई और यह हमारी सरकार चुपचाप देखती रही। इस प्रकार मणिपुर के लोगों की जो भावनाएं थीं कि उनके राज्य की अखंडता के साथ किसी तरह का कोई खिलवाड़ नहीं किया जाए, उनकी इन तमाम भावनाओं की कोई कद्र नहीं की गई। जब कोइझाम सरकार को भंग किया गया तो नीपामाचा, जो रिकार्ड पर है उन्होंने यह कहा कि राष्ट्रपति शासन इसलिए लगाया जा रहा है ताकि एन.एस.सी.एन. (आई.एम.) के साथ समझौता करके इस समझौते का विस्तार मणिपुर तक कर दिया जाए। ये आशंकाएं मणिपुर के लोगों में थीं इसीलिए मैं यह कहना चाहूंगी कि 18 जून से मणिपुर में जो आंदोलन शुरु हुआ, उस आंदोलन के बहुत से तार हमारे केन्द्र सरकार के इस निर्णय से जुडे हुए थे। पहले राष्ट्रपति शासन और उसके बाद इस समूचे घटनाक्रम ने उन्हें दिखा दिया कि यह केन्द्र सरकार मणिपुर के लोगों की राजनीतिक व जनतांत्रिक भावनाओं की कोई कद्र नहीं करती। 18 जून के बाद हमारे प्रधानमंत्री ने लोगों से शांत रहने की अपील करते हुए बडी मासूमियत के साथ कहा कि मणिपुर के लोग किसी गलतफहमी का शिकार हैं। प्रधानमंत्री का यह बयान पूरे राष्ट्र से सच्चाई को छिपाने की चालाकी भरी कोशिश के अलावा और कुछ नहीं था। बहुत साफ था कि वहां के लोगों का केन्द्र सरकार पर कोई भरोसा नहीं रह गया था और वे यह जानने लगे थे कि केन्द्र सरकार ने नगा विद्रोहियों के साथ मणिपुर, असम और नागालैण्ड की कीमत पर जो कुटिल समझौता किया है यह समझौता आने वाले समय में मणिपुर राज्य की पहचान के लिए एक खतरा बन जाएगा। मणिपुर के लोगों ने इसे एक चुनौती के रुप में देखा। एक स्वतंत्र देश अथवा राज्य के रुप में मणिपुर का इतिहास दो हजार वर्ष पुराना है और अपने इस दो हजार वर्ष के इतिहास में वहां के लोगों ने बाहरी और भीतरी अनेक खतरों का सामना किया है। ब्रिटिश साम्राज्यवाद के साथ संघर्ष का भी इसका एक लंबा इतिहास रहा है। वहां के लोगों ने एकजुट होकर मणिपुर की रक्षा की साझा लड़ाई लड़ी है। कहना न होगा कि भारत सरकार के इस चालाकी भरे कदम ने वहां के लोगों में एक बार फिर से कमोबेश वही जज्बात पैदा कर दिए जो पहले थे। जो एन.एस.सी.एन.(आई.एम.) की राजनीति से परिचित हैं वे इस बात को अच्छी तरह से जानते हैं कि एन.एस.सी.एन.(आई.एम,) वहां सिर्फ नागालैण्ड की स्वतंत्रता की लड़ाई नहीं लड़ रही बल्कि वृहत्तर नागालैण्ड की मांग की लड़ाई भी लड़ रही है।

इसमें मणिपुर का भी काफी अच्छा हिस्सा और असम तथा अरुणाचल प्रदेश के हिस्से भी शामिल हैं। उपसभाध्यक्ष जी, यह कोई नई बात नहीं है। इस बात को लेकर इस क्षेत्र में काफी तनाव हो चुका है। यहां तक कि इस बारे में मणिपुर विधान सभा में चार-चार बार प्रस्ताव पारित किए गए हैं। 1999 में एक सर्वदलीय शिष्टमंडल ने वाजपेयी जी से और गृह मंत्री जी, आपसे भी मुलकात की थी और हमारे प्रधानमंत्री जी ने उस समय उन्हें यह आश्वासन दिया था कि मणिपुर की क्षेत्रीय अखंडता के साथ कोई खिलवाड़ नहीं किया जाएगा। इस बारे में इससे पहले के दो भूतपूर्व प्रधानमंत्रियों, श्री देवा गौडा और गुजराल साहब ने भी उनको यह आश्वासन दिया था कि हम आपकी क्षेत्रीय अखंड़ता के साथ कोई समझौता करने वाले नहीं हैं। यहां तक कि पिछले वर्ष सितम्बर में और इस वर्ष जनवरी में उत्तर पूर्व राज्यों के मुख्य मंत्रियों की जब बैठक हुई थी तो उस बैठक में भी इस सवाल को उठाया गया था।

उपसभाध्यक्ष(श्री सुरेश पचौरी): समाप्त करिए।

श्रीमती सरला माहेश्वरी: मैं दो -चार मिनट और कहूंगी।

मैं यह कह रही थी कि मणिपुर की सीमाओं की अखंडता को लेकर मणिपुर के लोगों को जो आश्वासन दिए गए थे, उनकी ओर मैं केंद्रीय सरकार का ध्यान आकर्षित कर रही थी। वहां की विधान सभा ने इस आशय का प्रस्ताव पास किया था और इस बारे में उत्तर-पूर्व राज्यों के मंत्री आपसे मिलते रहे लेकिन इसके बावजूद इस ओर कोई कदम नहीं उठाया गया। तो मैं कहना चाहूंगी कि गलतफहमी के शिकार मणिपुर के लोग नहीं बल्कि गलतफहमी के शिकार अगर कोई है तो वह केंद्रीय सरकार है। इसलिए मैं यह जोर देना चाहूंगी और कहना चाहूंगी कि अब केंद्र सरकार की गलतफहमी वहां के लोगों के जबर्दस्त प्रतिवाद के बाद अब दूर हो गई होगी। आपने उनको, उत्तर पूर्व के मुख्य मंत्रियों को अब फिर बुलाया है और मैं आशा करती हूं कि इसमें कुछ न कुछ समस्या का हल निकलने का काम होगा। सरकार के अनाड़ीपन के चलते यह जो निर्णय लिए जा रहे हैं, ऐसे निर्णय भविष्य में नहीं लिये जायेंगे, ऐसी मैं आशा करती हूं। महोदय, मैं मणिपुर पर राष्ट्रपति द्वारा जारी घोषणा के अनुमोदन का जो प्रश्न आया है, इस चर्चा में भाग लेते हुए मैं स्पष्ट शब्दों में कह देना चाहती हूं कि धारा 356 के दुरुपयोग का हम लगातार विरोध करते रहे हैं। मणिपुर में अपने राजनैतिक स्वार्थों के चलते यह जो स्थिति पैदा हो रही है यह कतई वाजिब नहीं थी। इसको आसानी से टाला जा सकता था। दल-बदल की जो गतिविधियां वहां पर चल रही थी उनको रोका जा सकता था। लेकिन आपने ऐसा नहीं किया। उपसभाध्यक्ष महोदय, मैं गृह मंत्री जी से कहना चाहती हूं कि हमारे देश की इन सरकारों के साथ आप जो छल-कपट की राजनीति कर रहे हैं इस राजनीति को आप बंद करिए। हमारे देश में ये भाषायी राज्य अलग-अलग जातियों और अस्मिताओं का प्रतिनिधित्व करते हैं। यह हमारे संघीय ढ़ांचे की पहचान है।

श्री स्वराज कौशल: यहां पर जिन शब्दों का इस्तेमाल हो रहा है यह अच्छा नहीं है।...(**व्यवधान**)...आप जो बोल रहे हैं, मैंने कभी आपको इंटरेप्ट नहीं किया। लेकिन यह क्या भाषा है? कौन छल कपट किसके साथ कर रहा है? किसका वेस्टेड इंटरेस्ट है यह छल कपट करने का?

श्रीमती सरला माहेश्वरी: स्वराज जी, माफ करें।

श्री स्वराज कौशल: मुझे कहना पडेगा कि Then, you don't know what the problem is.

श्रीमती सरला माहेश्वरी: इस तरह आप सच्चाई को नहीं बदल सकते। भाषा की चाशनी लगाकर आप सच्चाई को बदल नहीं सकते। क्या आपचाहते हैं जो वहां हो रहा हैं, केंद्रीय सरकार की जो नीति चल रही है और अब तक चली आ रही है उसको भाषा की चाशनी में पलटाकर बात की जाए, बात को बर्फीले शब्दों में कहा जाए तो क्षमा करें आज की बात आज में होगी और बर्फ की बात बर्फ में होगी।

SHRI SWARAJ KAUSHAL: But this is not the language.

श्रीमती सरला माहेश्वरी: मेरा इरादा यही है कि केंद्र सरकार जिन नीतियों को लेकर चल रही है वह हमारे देश की एकता और अखंडता के खिलाफ है। यह हमारे देश के संघीय ढ़ांचे के खिलाफ है।

उपसभाध्यक्ष महोदय, अंत में मैं यही कहूंगी कि किसी भी हालत में मणिपुर में जनतंत्र को स्थगित न रखा जाए। वहां की विधान सभा को भंग करके फौरन वहां नए चुनाव कराने की व्यवस्था की जाए और वहां पर जनतंत्र को पूरी तरह से बहाल किया जाए ताकि वहां के लोगों को अलगाववाद की राजनीति से दूर रखा जा सके। अगर ऐसा कर सकेंगे तो यह हमारे देश के हित में होगा।

महोदय, अंत में अपनी बात को समाप्त शेक्सपियर के इन शब्दों से करना चाहूंगी:

"Our remedies oft in ourselves do lie, Which we ascribe to heaven"

समस्यायें हमने पैदा नहीं की हैं, समस्यायें आपने पैदा की है। इसलिए गृह मंत्री जी इन समस्याओं का हल भी आप ही करेंगे । मैं आशा करती हूं कि आप मणिपुर में जनतंत्र की प्रक्रिया को तत्काल शुरु करेंगे और वहां पर विधान सभा को भंग करके नये चुनाव की घोषणा करेंगे।

SHRI W. ANGOU SINGH (Manipur): Mr. Vice-Chairman, Sir, I will not take much time of the House since the hon. Home Minister and our leader, Shri Pranabji, have clearly stated about the imposition of article 356. But taking advantage of the opportunity of participating in this discussion, I want to state some of the historical facts and some of the problems which exist in the State of Manipur.

Sir, Manipur was a princely independent State during the British region, I think, in the year 1891 Manipur was conquered by the British. But even then Manipur was not annexed to the Indian Dominion, and it was kept as an independent protectorate State of the British Sovereign. But, in the year, 1947, on i5^{h} August, when India secured Independence, Manipur also followed it. But even after that, Manipur had its own democratic form of Governance under the Manipur State Constitutional Act, 1947. Sir, Manipur was the first State in the country where adult franchise had been followed. But, after that, the people of Manipur, the then leaders thought that during the movement of the Indian Union, if Manipur remained alone, it would not be possible for it to become a self-sufficient State, because of economic situation that was prevailing in the State at that time. Because of that, the then leaders revolted against the then Maharaja and, as a result, Manipur was merged with India in October, 1949. But the situation that had

come up to the present day is, after its merger with the Indian Union, --though Manipur is a small State, it has its own integrity -- it has been totally neglected by the Central Government. Even in the First Five Year Plan which was started in the year 1961, Manipur was given Rs. 1.55 crores, and then up to the Sixth Five Year Plan, Manipur had been given only Rs. 423.93 crores, How will that small amount bring about the development of Manipur? Sir, there has been a discontentment among the people of Manipur. Now, the situation that has come up is, presently most of the younger generation of the State are qualified. Manipur is one of the most literate States of India. More than 60 per cent people of Manipur are literate. So, when this younger generation which is mostly qualified, when they come back from the other developed States of India to their own State, they find that they have no means of livelihood for their future life. Because of that, they have no other means left except to revolt against the Government. Even now, the Government of India have not changed its attitude towards Manipur since the time it was merged with the Indian Union. This is the claim of the younger generation of the present day of Manipur. So far as the imposition of the President's Rule in the State of Manipur is concerned, I feel that it must be because of two causes -- one is the political instability and the other is the economic crisis. Sir, it is very difficult to say how the economic situation of Manipur will be developed, if from the time of the First Five Year Plan till date, no proper infrastructure has been nourished by the Government of India. There is nothing. Because of it, the economic condition of the State will not be developed. Over and above that, the money which is to be given to the State has not been properly released as per the requirement of the State. Though the State has already given a proposal in this regard, it has been rejected by the Centre without giving it a thought. Because of that, nothing can be done to bring about the development in the State of Manipur. This is one thing.

Sir, the other thing is that because of the situation that the State of Manipur is facing at present, no development has been made. Even after more than 50 years of India's Independence, there is no railway link, there are no water-ways, and there are only two National Highways Nos. 39 and 53. The National Highway No. 53 is not properly serviced and the Highway No. 39 which is passing through Nagaland has always remained disturbed by the underground elements. Sir, how long will the people of Manipur tolerate this situation? Therefore, the younger generation, who are mostly

qualified, think as to why their elders have decided to merge with the Government of India. If the Government of India accepted the merger of the State of Manipur, then why has it not taken up those agreements which had been made during the time of the merger? All these are the main problems which are now facing the State of Manipur. Sir, because of it, the younger generation always have a feeling of unrest. All these facts should' be properly looked into by the Home Minister. This is my request. Regarding the situation which is now prevailing in the State, I would like to say that Manipur is a small State which comprises plains and surrounded hills. Out of ten, if you take the ratio, one is valley and nine is hill areas. According to the 2001 census, the population of the State is nearly 24 lakhs and the population of the hill areas is only 6 lakhs. The remaining people are living in the vallies. In the vallies, all the communities including Nagas, Kukies and all other tribes are settled. But in the hills areas only 29 tribes of Nagas, Kukies and other tribes are settled. Sir, for more than 2000 years, these people are living in a cordial and peaceful manner, but suddenly there has been a great change because of the decision of the Government. There is a great suspicion in the minds of the people of Manipur that the Government of India has entered into an agreement with the underground NSCN(IM) whose demand is 'greater Nagaland'. On 14th June, an agreement was signed between the Government of India and the underground NSCN(IM) regarding the extension of ceasefire. And on 2nd June, the President's Rule was imposed. Sir, there is a great suspicion in the minds of the people of Manipur about the Union Government that they wanted to impose the President's Rule mainly for making this agreement.

This is the main cause of unrest in the State of Manipur. Manipur is now buring. If these incidents had taken place during the time of a popular Government, then it would have been the responsibility of the popular Government. Now, the State is under the rule of the Central Government. The confidence of the people of the State has been lost because of the style of working of the Central Government. The loss of confidence that the State has suffered will have to be recouped,, but it will take time. Manipur was treated in such a way that at present there is no structure for democratic Government. All these things will have to be" considered by the hon. Members of the House.

Now, I come to the question of political instability in the State. We must know that in smaller States there is a tendency for instability. This

present instability is due to the blessings of the Central Government. The Central Government should be careful because this small State is a sentimental State. They must not give any blessing to any parties which are always in the habit of indulging in defections, which are against the interests of the State.

The Home Minister has declared that the issue of Manipur in connection with cease-fire will be discussed later on. I would like to speak at that time also. Our leader, Shri Pranab Mukherjee, has accepted the proposal of the Home Minister, but my request to the Home Minister is that he should carefully handle the situation in Manipur, because it is under the control of different insurgency groups and people have mixed up with those insurgent groups. Therefore, there will not be any party forming a Government. Therefore, the proposal that has been made by the Home Minister and which has also been endorsed by our leader, Shri Pranab Mukherjee, is acceptable to me also. Thanking you, Sir.

SHRI C. RAMACHANDRAIAH (Andhra Pradesh): Sir, I am very unhappy at the developments that have recently taken place in Manipur. I am unhappy over the murder of political morality, over the demoralisation of politics and the encouragement given to Aya Ram and Gaya Rams. In one way I am very happy to witness the rare sense of unanimity shown about invoking Article 356 of the Constitution. There are valid grounds for that. I do not want to go into, the genesis of this problem and its history. The problem has been accentuated by the political parties also.

Sir, I have heard the Members who have spoken before me on this subject, but there is one thing that must be noted that there is no political party which can claim itself to be an exception as not having misused this Article.

More than nine or ten times it has been misutilised. I think, it is for the first time that this article has been invoked on valid grounds and in the national interest. The Manipur problem has got so many facets. This 60 Member Assembly never ran for a full term in the recent past. There have been 28 Chief Ministers in 29 years. As the senior hon. Member has pointed out, there is an inherent instability right from the formation of the State. The present problem arose because of the recent squabbles among the political parties. The ranks of the Samata Party have swollen with defections. When they drifted apart, this discordant atmosphere has been

created. Manipur is a symbolic case, a standing testimony for the failure of the Anti-Defection Law in this country. Unless the political executive is very strong, it becomes very difficult to strictly enforce the Anti-Defection Law in this country. Well, the instability in Manipur is a constant factor with perpetual insurgency, with ethnic problem, lack of prudent political leadership and lack of commitment for the development of the State. The political flux has been created in Manipur because no political party is in a position to manage and guide its legislators. With the phenomenon of floor crossing, defections, people have lost confidence in the ability of the political leadership to deliver the goods and to provide a good governance. In this scenario, the Government of India did not have any option -- virtually, it was a Hobson's choice -- but to invoke article 356.

I am fully satisfied with the sincere and genuine efforts made by the Governor of Manipur. He had explored all the possibilities to form a viable alternative Government, but in vain. In this scenario, the conclusion of the Governor that there was a breakdown of Constitutional machinery is perfectly valid; and it warrants invocation of article 356.

Before I conclude, I want to advise our Government to initiate appropriate action to restore public confidence in the Indian political system of governance and put in place an effective higher wall against insurgency, against -the corruption and demoralisation that has crept in. I also want the Government to make the law enforcing machinery to be an effective tool so that normalcy is restored. I do not want to go into other issues that are involved, because the hon. Prime Minister is going to meet the Chief Ministers of the North-Eastern States today evening. I do hope, there would be a good accord. I also hope that the Government of India will explore all the possibilities of installing a popular Government in Manipur. Thank you.

प्रो. रामदेव भंडारी (बिहार): उपसभाध्यक्ष महोदय, मणिपुर में राष्ट्रपति शासन लगाया गया और जिस तरह से वहां दल-बदल हो रहा था और दल-बदल कराकर सरकार बनाई जा रही थी, उस परिस्थिति में किसी भी राज्य में स्थाई सरकार के लिए, राजनीतिक स्थायित्व के लिए सरकार को कदम उठाने चाहिए, मगर सरकार अपने राजनीतिक हित साधने के लिए वह कदम नहीं उठाए, संविधान की धारा 356 का दुरुपयोग नहीं करे, इस बात की सरकार को सावधानी बरतनी चाहिए। गृह मंत्री जी ने अपने भाषण में कहा है कि उन्हें या उनकी सरकार को अब तक गोवा, मणिपुर और बिहार, तीन राज्यों में राष्ट्रपति शासन लगाने का अवसर मिला है। मैं उनसे कहना चाहता हूं कि तीनों राज्यों की परिस्थितियां एक जैसी नहीं थीं। गोवा में लगातार 'आया राम गया राम' हो रहा था, दल-बदल हो रहा था। मणिपुर में भी जिस पार्टी का एक एम.एल.ए.

चुनकर आया था वह एक से 13 हो रहे थे, जिसके 6 एम.एल.ए.चुनकर आए थे, वे 6 के 26 हो रहे थे। वहां जो सरकार का स्थायित्व खत्म हुआ, इसमें विरोधी दलों का कोई हाथ नहीं है, समता पार्टी और भारतीय जनता पार्टी, जो एन.डी.ए. के घटक हैं, इनकी आपसी खींचतान और मणिपुर की सरकार पर कब्जा करने की मंशा के कारण मणिपुर में राष्ट्रपति शासन लगाया गया है और यह जो राजनीतिक अस्थिरता मणिपुर में चल रही थी, इसके पीछे भी एन.डी.ए. की दिल्ली की सरकार थी।

गृह मंत्री जी ने बिहार की भी चर्चा की थी। बिहार में कौन सी अस्थिरता थी? हालांकि इस समय बिहार पर बहस नहीं हो रही है, लेकिन चूंकि गृह मंत्री जी ने बिहार की चर्चा की है इसलिए मैं उनसे पूछना चाहता हूं कि बिहार में कौन सी अस्थिरता थी? बिहार में बहुमत की, चुनी हुई सरकार थी, वह बहुत अच्छे ढंग से काम कर रही थी, मिनिस्ट्री ने रिज़ाइन नहीं किया था, कोई मेजोरिटी खत्म नहीं हो गई थी, मगर कानून और व्यवस्था के नाम पर बिहार में राष्ट्रपति शासन लगाया गया और यह जो प्रवृत्ति है केन्द्र सरकार की कि जहां अपोजीशन की सरकार है, जहां विरोधी दल की सरकार है, उस पर अगर हम कब्ज़ा नहीं कर सके, दल-बदल नहीं करा सकें तो गवर्नर के माध्यम से राष्ट्रपति शासन लगाकर के वहां शासन किया जाए, यह प्रवृत्ति अच्छी नहीं है। यह डेमोक्रेसी के लिए भी अच्छी नहीं है, संविधान के लिए भी अच्छी नहीं है। जो छोटे-छोटे राज्य हैं, जहां विधायकों की संख्या कम है, जैसे मणिपुर में विधायकों की संख्या 60 है, ऐसे राज्यों में थोड़े से विधायकों का दल-बदल कराने से सरकार उलट पुलट जाती है। राज्यों की बात छोड़ दीजिए, यह जो दिल्ली की केन्द्र सरकार है, वह सांसदों का भी दल-बदल करा रही है। जिन दलों के सांसदों की संख्या कम है, उनके सांसदों में फूट डाल रही है। राष्ट्रपति जनता दल के 3 सांसदों को लोक सभा में, मैं सीधा दोष नहीं दे रहा हूं, यह कह सकते हैं...(**व्यवधान**)...आप सुनिए तो। आप सुनेंगे नहीं तो आपकी बात कौन सुनेगा?...(**व्यवधान**)...

श्री एस० एस० अहलुवालिया: जो लोग अपना पक्ष इस सदन में नहीं रख सकते, उनके बारे में मत बोलिए।...(**व्यवधान**)...

प्रो. रामदेव भंडारी: आप मेरी बात सुनिए, मैं अच्छा बात बोल रहा हूं।...(**व्यवधान**)...

श्री एस. एस. अहलुवालिया: आप अच्छी बात नहीं बोल रहे हैं। गलत बात बोल रहे हैं।...(**व्यवधान**)...

प्रो. रामदेव भंडारी: आप बैठिए। आप मुझे बोलने दीजिए।...(**व्यवधान**)...आप मुझे बोलने दीजिए। देखिए कोई नहीं बोल रहा है, आपको क्या हो गया है, आप क्यों बोल रहे हैं? सब लोग मेरी बात को ध्यान से सुन रहे हैं।...(**व्यावधान**)...मैं दल-बदल की बात कर रहा हूं। जो छोटी-छोटी पार्टियां हैं या जिन राज्यों में कम विधायकों की सरकारें हैं, उनका दल-बदल ये केन्द्र सरकार में बैठे हुए लोग कराते हैं। यह प्रवृति कांस्टीट्यूशन के लिए और लोकतंत्र के लिए अच्छी नहीं है। अभी गृह मंत्री जी यहां नहीं बैठे हैं, मैं उनसे कहना चाहता हूं कि आज आपकी सरकार है और आप दल-बदल करा रहे हैं. कल दूसरे की सरकार आएगी और वे दल-बदल कराएंगे। इसलिए दल-बदल कानून को मजबूत करने की जरुरत है। मैं चाहता हूं कि दल-बदल कानून को मजबूत किया जाए। जो सदस्य अपनी पार्टी छोडते हैं, उनको किसी भी पार्टी में जाने

का मौका नहीं देना चाहिए, उनको सदस्यता से इस्तीफा देना चाहिए।

श्री सतीश प्रधान: आपके सांसद ऐसा करेंगे ?

प्रो. रामदेव भंडारी: मैं बिल्कुल तैयार हूं। आप ऐसा प्रोविजन कीजिए। यह आयाराम-गयाराम रोकने के लिए ऐसा करना जरुरी है अन्यथा जब मौका मिलता है तब ये आयाराम-गयाराम करते हैं, दूसरों को मौका मिलता है तो वे भी आयाराम-गयाराम करते हैं। यह जो सत्ता में जाने की प्रवृति है, एक विधायक चुनकर जाते हैं और चाहते हैं कि वे सरकार बना लें, 6 विधायक चुनकर जाते हैं और चाहते हैं कि सरकार बना लें। मणिपुर में इसको रोकने के लिए आपने राष्ट्रपति शासन तो लागू किया लेकिन मैं यह जानना चाहता हूं कि असेंबली को निलंबित करने की क्या आवश्यकता थी? आपने उसे क्यों निलंबित किया? क्या इसलिए कि फिर हॉर्स-ट्रेडिंग हो, बीच का जो समय मिलता है उसमें आपको मौका मिल जाए हॉर्स-ट्रेडिंग का और आप अपनी सरकार बना लें?

ग्रामीण विकास मंत्री (श्री एम. वेंकैया नायडु) : महोदय, रामदेव जी बहुत सीनियर मेंबर हैं, उन्होंने शायद ध्यान से गृह मंत्री जी का वक्तव्य नहीं सुना होगा जिसमें उन्होंने बताया है कि सुप्रीम-कोर्ट का क्लियरकट जजमेंट है और सरकारिया कमीशन की भी यही सिफारिश है कि सीधे असेंबली को भंग न किया जाए। उन्होंने आपके सामने ही बताया था। फिर आप दूसरी तरफ क्वोट कर रहे हैं, इसके बारे में सोच लीजिए पहले।

प्रो. रामदेव भंडारी: महोदय, इससे जनता में यह संदेश जाता है कि ये इसलिए असेंबली को निलंबित कर रहे हैं ताकि इनको हॉर्स-ट्रेडिंग कराकर अपनी मनपसंद सरकार बनाने का मौका मिल सके। मैं आपसे सहमत हूं कि ऐसा नहीं होना चाहिए, हॉर्स-ट्रेडिंग का मौका नहीं मिलना चाहिए। यह जो विधायकों की खरीद-फरोख्त की बात है, इसको रोकने की आवश्यकता है।

उपसभाध्यक्ष महोदय, मैं राज्यपाल की भूमिका पर बोलना नहीं चाहता हूं मगर मैं चाहता हूं कि राज्यों में जो राज्यपाल भेजे जाते हैं, वे सेंट्रल गवर्नमेंट के एजेंट के रुप में काम न करें बल्कि वे ईमानदारी से देश के हित में काम करें, वे जिस राज्य में भेजे जाते हैं, उस राज्य के हित में काम करें। मगर आम तौर पर उनके सिर पर हटने और हटाने की तलवार लटकी रहती है, इसलिए वे सरकार के एजेंट के रुप में काम करते हैं और ऐसा करके वे देश के साथ ही नहीं बल्कि संविधान के साथ भी न्याय नहीं करते हैं।

महोदय, मणिपुर की स्थिति बहुत गंभीर है। हमारे कई सांसदों ने बताया कि मणिपुर जल रहा है। प्रधानमंत्री जी मणिपुर के लोगों से मिल रहे हैं, जैसी सूचना मिली है उसके मुताबिक आज या कल वे मणिपुर के लोगों से मिलने वाले हैं। मणिपुर में कोई मिलिटेंट ग्रुप्स हैं, वहां कम से कम एक दर्जन मिलिटेंट ग्रुप्स हैं जो इस स्थिति का फायदा उठाएंगे। यह जो राजनीतिक अस्थिरता होती है, इससे विकास का काम रुकता है, इससे जनता का भारी नुकसान होता है। मैं श्री वेंकैया नायडु जी के माध्यम से सरकार से कहना चाहता हूं कि आप वहां चुनाव कराकर जनता की सरकार स्थापित करें और लोकतंत्र और संविधान की रक्षा करें। इन शब्दों के

साथ मैं अपनी बात समाप्त करता हूं। धन्यवाद।

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Mr. Vice-Chairman, the discussion that is taking place today is, more or less, a fait accompli. But the situation was actually brought about by the representatives of the people. Nobody could expect that the legislators of a State would switch over their loyalties four or five times in 15 months. The Governor was saddened to send the Report to the Central Government and I quote:

> "As committed believer in the value, validity and efficacy of the Parliamentary system of democracy, it saddens me to come to the conclusion that the Constitutional machinery in the* State has broken down. In view of the almost unanimous demand from all the major political parties, I am constrained to recommend the President's rule under article 356 of the Constitution of India."

Sir, a situation has arisen where the major political parties had to demand the Governor that the President's rule be imposed. It was a peculiar situation. After that, we know where Manipur stands now. The situation that led to the President's rule is totally unrelated to the situation that we are facing today. It was a totally different one. I don't want to deal with it elaborately. Even the Maharaja's daughter has decided to return the awards she received from the Government of India. Sportsmen have decided to return the medals that they received. To some extent, Manipur is burning today. What I feel is that the provisions regarding disqualification are not sufficient. We have given some elbow room under the caption one-third of the total strength of a party. Now, it is being misused wholesale. When it is so, as far as article 356 is concerned, we are second to none in opposing this article. If the national parties come forward to scrap this article or remove it from the Constitution, we will stand by them and see that it is scrapped and thrown out of the Parliament complex lock, stock and barrel. It is there in the Constitution. It is an enforceable provision now. What I feel is that imposing article 356 is totally different from inviting article 356. Therefore, if article 356 is imposed on political grounds, with political motivation, it has to be condemned completely. But a situation inviting imposition of article 356 is totally different.

Having said that, I want to make one thing clear. Suppose a Government running a State violates the human rights, questions the sovereignty of the Central Government, questions the very basis of federal

polity, attacks the freedom of the Press, runs the State the way in which it feels, gives a new meaning to democracy....*(Interruptions)*....

SHRI S. RAMACHANDRAN PILLAI (Kerala) : Which Government? You are mentioning it theoretically.

SHRI S. VIDUTHALAI VIRUMBI: If the modern and scientific development of the electronic media is misused for political purposes, do you think it deserves to continue? If a Government violates Human Rights, if a Government questions the sovereignty of the federal Government, if a Government violates the federal polity, if a Government attacks the freedom of the Press, that Government does not have any moral authority to continue even for a single minute. Therefore, what I feel is, the Congress Party is supporting this Resolution. They are not only supporting the Resolution to keep the Assembly under suspended animation, they have also demanded the dissolution of the House itself. Sir, a party which supports the dissolution of the House in one State, a party which supports the dismissal of the State Government, the same party is supporting another State Government which violates Human Rights. ...*(Interruptions)*... It clearly shows that the Congress Party...

SHRI OSCAR FERNANDES (Goa) : Sir, ...*(Interruptions)*...

SHRI P.G. NARAYANAN (Tamil Nadu) : Sir, he is misleading the House. ...*(Interruptions)*...

SHRI S. VIDUTHALAI VIRUMBI: Sir, I have not identified any State. I have not taken the name of any State. ...*(Interruptions)*... When my counterpart stands.. *(Interruptions)*...

SHRI R. KAMARAJ (Tamil Nadu) : Sir, he is misleading the House. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Please come to the point.

SHRI S. VIDUTHALAI VIRUMBI: It clearly shows that they are guilty conscious. The cat has come out of the bag. Sir, the Constitution of India clearly says that if a person is insane he cannot become a Member of the House; if a person is not an Indian citizen, he cannot become a Member of

the House; if a person is undischarged insolvent; he cannot become a Member of the House; if a person is under age, he cannot become a Member of the House. If a person cannot become a Member of the House, if a person cannot enter the political arena, If such a person is allowed to rule a State, it will be a mockery of the Indian Constitution. If you allow such people to continue who want to change their parties often, it will be against the Constitution. If you allow criminals to run a State, it will spoil the democracy. I therefore demand...

SHRIMATI S. GOKULA INDIRA (Tamil Nadu): Sir, *...(Interruptions)...*

SHRI P.G. NARAYANAN: Sir, he is misleading the House.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Please go to your seat. *...(Interruptions)...*

SHRI S. VIDUTHALAI VIRUMBI: If they can break the house of a former Chief Minister, if they can arrest two Central Ministers, they said that if a situation warrants, they would arrest the Prime Minister also*. .... *(Interruptions)...*

SHRI P.G. NARAYANAN: Sir, *...(Interruptions)...*

SHRI R. KAMARAJ: *Sir,...(Interruptions)...*

SHRI S. VIDUTHALAI VIRUMBI: Sir,

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Please conclude.

SHRI S. VIDUTHALAI VIRUMBI: Sir, *...(Interruptions)...*

THE VICE-CHAIRMAN(SHRI SURESH PACHOURI) : This is not relevant. This will not go on record. *..(Interruptions)...* This will not go on record. *...(Interruptions)...*

SHRI S. RAMACHANDRAN PILLAI: Since allegations have been levelIed against the Government of Tamil Nadu, the Members may be allowed to explain their position.

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* Expunged as ordered by the Chair.

THE VICE-CHAIRMAN (SHR] SURESH PACHOURI): Shri Dara Singh Chauhan. Not present. Shri Onward L. Nongtdu..*(Interruptions)*...

SHRI S. VIDHUTHALAI VIRUMBI: Sir, if I am allowed, I would like to reply to everything.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): I have called Shri Nongtdu..*(Interruptions)*... This is not a cross-debata..*(Interruptions)*... When their party members get the time, they will speak..*(Interruptions)*... Nothing will go on record. Please be seated.

SHRI ONWARD L. NONGTDU (Meghalaya): Sir, before I say why I am supporting the Resolution moved by the hon. Minister in connection with the Proclamation of President's Rule in Manipur, I would like to say that the situation in Manipur should serve as an example to the representatives and political parties in the North-East, in particular, and to the country, in general, It is, in fact, an unprecedented situation in the country in which the people are on some sort of a warpath against their own representatives. If I may say, the moral corruption was at its worst.

The situation in Manipur, after the last Assembly elections, that is, in February, 2000, and immediately before the Proclamation of President's Rule on 2nd June, 2001, was really very disturbing and confusing. Since no single party could come to power after the elections, horse trading, as it is known, for obtaining the support of individuals and parties, was on, and buying and selling of support was done as if chattels were being traded. However, one unstable Government came and went, and confusion reigned supreme in the State. Struggle for power continued inside the ruling group itself, and trading for support never stopped even for a moment, and this led to the struggle for power between the Chief Minister and the Speaker himself. Toppling games were fully played within the ruling group itself, and they did succeed in toppling one another at the cost of stability, peace and progress. Toppling games played by the Opposition is a normal game in democracy, but what happened in Manipur was an exception. In this confusion, amidst political instability, the worst sufferers were the common people of the State who had not seen proper development, because of insurgency during the last few decades, and which was brought to naught after the last Assembly Elections in 2000. The people were watching the entire thing and they were bemused at the situation created by their own representatives, this time. They were sad, confused and angry and were

waiting for a situation to let loose their tension and anger. In the situation so created, the powers-that-be at Delhi were not free of responsibility. A party that won only six seats in the elections, suddenly increased its strength to 26 seats, during the struggle for power, in the State Assembly. Leaders changed colours every day. like people changing their dresses, but all their efforts failed to bring forth a stable Government. So, they became so confused and disappointed at the situation created by themselves, that they were forced by circumstances to come to an understanding to stay apart and not to rule. Since all the sixty members were top leaders, none of them was willing to follow the other and provide a stable leadership in the State. Here, I would like to quote a few lines from the National Herald of 26th May, 2001. It says: "The 26 BJP Legislators in the State, in total defiance of the repeated assurances of the party leaders that they have no intention to form the Government on association with other parties." So, this is the situation there. They joined the BJP Government a few days ago, and a few days later, they revolted against the party and formed a new party known as the Progressive Front of Manipur. Even then, it turned out to be useless. They could not form a stable Government. When such was the situation, I could see no other alternative but to support the Proclamation of President's rule, which was done on 2nd of June, 2001.

The only sad result that followed the President's Rule there was the

extension of the ceasefire, with no territorial limits, after the signing of an agreement with the leader of NSCN IM); and that too, in a foreign land, on the I4m June, 2001. Perhaps, the Central Government did not know that the NSCN (IM) had already published a map of Nagalin or Nagaland, as an independent land, consisting half of the North-East and up to one half of a district in my State, Meghalaya, where there is no Naga habitation at all. The chance for which the people were waiting to revolt came on the 14th June when the ceasefire was extended with no territorial limits. Therefore, the people, here, as I said, are on the warpath. They were waiting for a chance. When the chance came, they revolted against their own representatives. They wanted to destroy everything in their way. They destroyed their representatives' buildings, cars and what not. Right now, there is total confusion. They do not know what to do, where to go. I feel, President's Rule is the right thing today. But what I would like to stress is that since the Constitution provides that law and order is a State subject, why should not the Central Government share its burden with the States? There is already a lot of burden on the shoulders of the Central Government.

It has to deal with the floods in Orissa, the earthquake in Gujarat and a lot of insurgent activities in the North-East. So, I would say that immediately, the people of Manipur should be allowed the opportunity to give a fresh mandate so that they could elect their own representatives in whom they have confidence; and those people would bring peace, stability and development in the State.

SHRI SWARAJ KAUSHAL : Mr. Vice-Chairman, Sir, I support the Resolution moved by Shri Advani for President's Rule in Manipur. But I rise to speak because the hon. Home Minister said that the Government was reviewing the ceasefire. So, I think it is quite appropriate 'that I speak today, although, I believe, a detailed discussion is required on the subject. A • reference to as complicated a subject as Manipur cannot be discussed in this manner. I think we should have gone in for a detailed discussion. But, now that the hon. Home Minister says that the Government is reviewing the ceasefire, I am making use of this opportunity to express a little disagreement. If you go into the fundamentals, why do we need to talk, why should we talk? We have to talk for the simple reason that insurgency is going on in the North-East for the last 53 years, and in terms of insurgency in the North-East, the Naga insurgency is the oldest; it is 53-years old now. If you analyse the insurgency scenario in the North-East, behind every group $_{v}$ in the North-East, be it ULFA, be it PLA, be it Mao People Convention and so on, there is one group which is behind every single insurgent group in the North-East. It is the NSCN. Now, the NSCN has two factions. One is the NSCN(IM), led by two gentlemen, called Issack and Muivah; and the other is led by Khaplang$_{t}$ a Burmese national. Between these two groups, the NSCN(IM) is stronger. It has about 4000 cadres; it has about 3500 most modern weapons. As against that, the Khaplang faction has a little over 2000 people and has about 1500 weapons which are slightly old; some of them are the weapons which were left behind by the Pakistani Army while retreating from Bangladesh. Now, as I said, between these two groups, the NSCN(IM) group is the strongest. Who constitutes the NSCN(IM) group? The NSCN(IM) group mainly comprises of the *Tankhul* tribe, and the *Tankhul* tribe is based in Manipur. The total population of *Tankhuls* is about 1,20,000, of whom only 1,000 *Tankhuls* are in Nagaland. The remaining 1,19,000 *Tankhuls* are in Manipur, in the hill area. Now, when we discuss the question as to why we should talk, the reason is very simple because this country can ill-afford insurgency for such a long time, and military solution is not the solution. I think, a time had come where we realised that we cannot

defeat them and. they cannot defeat us. Ultimately, they are our own citizens. Why should we not talk to our own citizens? After all, you cannot allow bloodshed for an indefinite period.

Then, the question arises as to whom do we talk to. Naturally, the answer is, you can talk to the strongest group, because if you are able to resolve the problem with the strongest group, a group which is behind every underground insurgent group in the North-East, I think, that can result in lasting peace. That is the reason why some efforts were made during Shri Deve Gowda's time, which was followed by Shri Inder Kumar Gujral, and by the present Government, with the result that negotiations with the NSCN (IM) group are going on.

When you want to talk, you have to create certain conditions. The most essentialcondition is that, we should not have violence. Since you want to prevent violence, you have to have cessation of operations. I am opposed to the use of the word 'ceasefire'. This word was used, for the first time, during the Gujral Government. I don't subscribe to it. The use of the word was, for the first time, used in the post-Independence era. It was used, and it is good of the Government to continue with the negotiations. Where do we have ceasefire? You have to have ceasefire in an area where you have a problem. The major part of the problem of Naga insurgency is in Manipur. All right, you don't mention Manipur.

Essentially, the understanding that we have arrived at with the NSCN was that, the ceasefire will be between the Government and the NSCN (IM), wherever they are, without ever defining that it had something to do with the area in Manipur. Somehow, there were protests from the parties in Manipur, which I failed to comprehend, as to what led to that kind of a misapprehension. Here, I need to clarify that during the negotiations with the NSCN (IM), not once-please, for God's sake, remember this-'not once'- did the NSCN raise the demand for Greater Nagaland. I read this word, for the first time, in the newspapers. Trust me, not once did the Muiva mention the word 'Greater Nagaland.' Not even once. I don't know, then, why my friends from Manipur have that apprehension that something was being traded with the NSCN where the Government will part with certain areas of Manipur.

I know that the clear mandate to this Government was that any time you have negotiations with the NSCN (IM), please make it very clear to

them that this is not acceptable to this Government. I repeat; this Government's clear mandate was that at no point of time, you show any concession, or, you don't even suggest the possibility of considering such a demand that a part of Manipur could be considered as a part of the Greater Nagaland. But the situation never arose, although, so much of hue and cry is being raised about this demand, about the Greater Nagaland.

Now, let us discuss the question of Greater Nagaland. It is not an anti-national demand. It may be wrong. You may disagree with it. But it is not an anti-national demand, if at all it exists. Such a demand was made even during Lai Deng's time. When the Mizoram negotiations took place, an actual map of the areas which will be part of Greater Mizoram, was given. It is open to the underground organisations to raise this kind of a demand and it is open to the Government also to reject that kind of a demand. But, in this case, not once, not once, did the NSCN (IM) raise this demand.

SHRI W. ANGOU SINGH: The Home Minister has made it clear in the House that the issue of ceasefire would be discussed some other day. Because of that only we didn't mention about this matter. Now the hon. Member is speaking about the ceasefire. We are now discussing the President's rule in Manipur. If this is allowed, then, we have to participate and we want to clear the doubts about the Greater Nagaland also. Better if he concentrates on the President's rule.

SHRI SWARAJ KAUSHAL: We have to make our views known. If the Government had promised that there would be a discussion on this, I am quite open to it.

उपसभाध्यक्ष (**श्री सुरेश पचौरी**): वैसे भी समय हो रहा है थोड़ा जल्दी समाप्त करिये आप।

SHRI W. ANGOU SINGH: Sir, if you allow him, then we may also be allowed to participate today. ...*(Interruptions)*...

SHRI SWARAJ KAUSHAL: Sir, coming back to it, the demand for Greater Nagaland may be wrong but it is certainly not an anti-national demand. Just when the Chief Minister of Punjab asks for Chandigarh to be included in Punjab, is it an anti-national demand? When the Chief Minister of Punjab says that Ajit Singh Nagar should not be a part of Uttaranchal, is

it an anti-national demand? It is just that there is a huge number of people present in the valley and the voice of the people in the hill is being neglected. Sir, even during Mizoram talks, did Laldenga not demand ...*(Interruptions)*...

THE MINISTER OF STATE IN THE DEPARTMENT OF FOOD PROCESSING (SHRI TH. CHAOBA SINGH): Please come to the point. ...*(Interruptions)*...

SHRI SWARAJ KAUSHAL: Mr. Minister, please keep quiet. ..*(Interruptions)*.. You have a senior Minister here who is the concerned Minister.

SHRI W. ANGOU SINGH: Sir, why are you allowing him. ...*(Interruptions)*... If he is allowed this, then I may also be allowed to raise . ...*(Interruptions)*...

उपसभाध्यक्ष (श्री सुरेश पचौरी): कौशल जी, कृपया आप प्रेज़ीडेंट्स प्रोक्लेमेशन पर बोलिये। मंत्री जी आप मेहरबानी कर के बीच में इंटरप्ट न करें।

श्री स्वराज कौशल: वाइसचेयरमैन साहब, मैं सिर्फ एक बात कह रहा हूं। अगर सरकार आज शाम को बहुत जल्दी यह रिव्यु करने वाली है तो मेरी उनसे प्रार्थना है कि कृपया इस हाऊस को कानफिडेंस में लें, सब के वियुज़ सुनें और उसके बाद ही रिकाल करें। ऐसा नहीं हो कि आज हम सीज़फायर को रिव्यु कर लें और कल हम उसके रिवाइवल की बात करें।

After all it is going to lead to a lot of problems. I know the Minister is disturbed because Manipur represents certain Members of Parliament in this House but Nagas do not have any representative. They need a voice. What is your problem?

SHRI W. ANGOU SINGH: There is no question of Nagaland. ...*(Interruptions)*... He is saying something else. ...*(Interruptions)*... You see the paper published by the NSCN (l-M) which claims the entire North-East. ...*(Interruptions)*...

SHRI SWARAJ KAUSHAL: Let them claim the whole world. Let them give you a globe. ...*(Interruptions)*...

उपसभाध्यक्ष (श्री सुरेश पचौरी): कौशल जी, राष्ट्रपति की अधिसूचना पर ही बोलिये क्योंकि शायद अगले सप्ताह इस विषय पर चर्चा होने वाली है।

श्री स्वराज कौशल: बहुत अच्छा है। सरकार उसको कानफिडेंस में ले। जिनकी बात कोई नहीं करता उनकी बात जरुर इस सदन तक पहुंचानी चाहियें। अगर वह एक ग्लोब भी हैंड ओवर कर के सरकार को दे दें कि यह पूरा का पूरा नागालैंड है तो उसकी चिंता की कोई जरुरत नहीं है क्योंकि कोई ऐसा देने वाला नहीं है। आप डिमांड कुछ भी कर सकते हैं मगर सरकार क्या मानती है और क्या नहीं मानती है, यह सरकार के ऊपर है।

SHRI W. ANGOU SINGH: You must come to the point.

SHRI SWARAJ KAUSHAL : Even during Mizoram talks. Churachanpur . ...*(Interruptions)*... There is another politics to it. I do not know if* ...*(Interruptions)*... I am not sure. ...*(Interruptions)*...

SHRI C. APOK JAMIR (Nagaland): Sir, this should not go on record.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): That comment / will not go on record.

SHRI W. ANGOU SINGH: Sir, you must expunge all the irrelevant things about Nagaland. ...*(Interruptions)*...

SHRI SWARAJ KAUSHAL: I thought you people are very democratic people. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): We have to conclude the discussion. ...*(Interruptions)*...

SHRI SWARAJ KAUSHAL: Even during Mizoram talks there was a demand that Churachanpur should be included in Mizoram. Nobody conceded to that ...*(Interruptions)*...

SHRI W. ANGOU SINGH: You must come to the point. ...*(Interruptions)*... You must come to the point. ...*(Interruptions)*... Mr. Vice-Chairman, Sir, you must give a ruling. ...*(Interruptions)*...

SHRI SWARAJ KAUSHAL: Since the hon. Home Minister has said that the Government would review this ceasefire, it is for this reason alone that I am making my views known. ...*(Interruptions)*...

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* Not recorded

SHRI ONWARD L. NONGTDU: He is again discussing the ceasefire. ...*(Interruptions)*...

SHRI S. S. AHLUWALIA: Sir, we are not discussing this matter. ...*(Interruptions)*... We should discuss only the Proclamation of the President's Rule.

उपसभाध्यक्ष (श्री सुरेश पचौरी): चलिये, प्रेजीडेंट रुल पर ही सीमित रखिये। अपनी बात समाप्त करिये।

SHRI SWARAJ KAUSHAL: Sir, I am only saying that I rose to speak because the hon. Home Minister has said that Naga ceasefire is being reviewed. All that I request the hon. Home Minister is that while you review or reconsider this, please do consider the fallout also. Please do consider the fallout because I believe that there is no cause. ...*(Interruptions)*...

SHRI W. ANGOU SINGH: Sir, this matter should be discussed later on. ...*(Interruptions)*... Sir, if you do not hear me, then I have no other alternative except to go out. ...*(Interruptions)*... I do not want to listen to anything regarding ceasefire. ... *(Interruptions)*... I don't want to listen to anything regarding the ceasefire. ...*(Interruptions)*...

उपसभाध्यक्ष (श्री सुरेश पचौरी): अंगो सिंहजी, मैंने माननीय सदस्य से आग्रह कर लिया है कि वे केवल विषय पर बोलें। विषय के अतिरिक्त सीज फायर पर नहीं बोलें।

I have already requested him. Please conclude.

SHRI SWARAJ KAUSHAL: My prayer to the hon. Minister is, while reviewing this, while reconsidering this, please take this House into confidence, and I hope, he will.

SHRI J. CHITHARANJAN (Kerala): Mr. Vice-Chairman, Sir, thank you for giving me this opportunity to speak on this subject. The Communist Party of India, which I represent, was all along opposing the enforcement of article 356 to dismiss the State Governments which are elected Governments, and which are enjoying majority in their Assemblies.' We will continue to take that position. But it is a different situation here. Here, a situation has arisen wherein there was no other alternative but to bring forward a proclamation, taking over the powers of the Government, by the

President. But, at the same time, we have to consider as to why it happened. There was an elected Legislative Assembly. If there was no elected Assembly, a Ministry could not have been formed. Now, in an Assembly consisting of 60 Members, a jumbo Ministry consisting of 39 Members was formed, which is quite a new phenomenon. Even then, that Government could not last long. Those people who were with the Government voted it out. How did it happen? There was large-scale defection among the MLAs. A large number of MLAs used to change sides -- from one party to another, and then to another; one person changing sides 3-4 times. In that situation, which were the parties that have been engineering these defections? Take, for example, the Samata Party. They were having only one Member in the Legislature. But their number increased from one to twelve. The BJP was having only six Members, and their number swelled to 26. How did this miracle happen? They were openly engineering defection, and that was being continued. Finally, the then Chief Minister had to resign. These parties were competing with each other. The Samata Party, was trying to form a Ministry, with the support of the BJ.P., with SP man as the Chief Minister. The BJP was trying to form a Ministry, with their man as the Chief Minister. Because of the greed for power — is so much, greed is so intense -- they could not come to an understanding, even though they were the constituents of the same alliance, called the NDA. Out of that, one party is the party of the Prime Minister.

And the other party was the party of the Convenor of the NDA. But they could not come to an understanding. They were engineering defections. That is why this ugly situation has been created. Now, here comes one question. As you know, Sir, we are haying the anti-defection law. But, even if the anti-defection law is there, defections can take place on a large-scale. It means, this law is not effective. It is high time this law is amended. According to me, if an MLA defects, then, he will have to resign from his post in the Assembly or in the Parliament, whatever the case may be. He shall cease to be a Member. So, it is high time we amend that law. Of course, our hon. Home Minister has pointed out the Supreme Court's decision in Shri Bommai's case; of course, there is a condition that dissolution shall take place only with the approval of the Parliament; of course, that is there, but, at the same time, the conditions under which it took place - if myself or somebody else suspects that it had not been suspended because of the reason that they intend to carry on with these defections -- were not good. ...*(Interruptions)*... Therefore, we have our own

suspicions about it. Then comes another question. Now, the situation has worsened here further. The Government has entered into a truce with the Naga rebels. Various arguments are being raised. But, from the very beginning, in the case of the Naga problem, the Government of India has entered into several agreements during the past 50 years. Every time, the Government had resisted the demand of extending the ceasefire to the other States, that is, to the States other than Nagaland. But this is first time that the Government has conceded to that demand. I think, it is a blunder that has been committed by the Government. And, this has been done without consulting the various political forces of that State. It was a mistake on the part of the Government. The result is. the State Government is now in flames. I don't want to go into the details of that problem because that will come up for discussion later on. But, now. what I have to say is this. While we support this motion, we insist that the Assembly should be dissolved without any delay and a conducive atmosphere should be created so that elections could be held to the Assembly. With these words, I conclude.

SHRI FALI S. NARIMAN (Nominated): Mr. Vice-Chairman, Sir, I rise to say a few words. As the hon. Home Minister said that moving a Statutory Resolution is a rare exercise, and every time when there is President's rule, it means, the Constitutional Government has failed. Why did it fail? In this case, the Government had failed because the people's representatives failed the people. Sir, this is not a good thing for Constitutional Government in this country, and that is why, the situation, in my opinion, is far more alarming than what is happening in Manipur. What has happened in Manipur is this. The Governor's report clearly shows that democracy has been devalued. The people's faith in democracy has to be restored. I respectfully submit that it can be restored only by good governance during the period of President's Rule. Good governance really consists of giving security, life and property to the people and improving their economic condition. Then only they will come to believe that democracy is a way of life and it should be observed by them. It is a good augury. We have an efficient administrator as Governor, and I respectfully submit that he must be supported by the Centre. Therefore, I do not agree with some of my hon. friends who say that the Assembly should be dissolved immediately after the Resolution is passed. I personally believe that we must give this Resolution a chance. The people must also have a chance. Once again, if we go back to the polls and if, once again, we get another set of people who

behave in the same fashion, I am afraid, democracy will be worse off. That is why I think, this is a very great eye-opener to all of us here and to all sides as well, that we must give the people a chance to restore their faith in democracy. I think, the Government must exert itself to the utmost to see that the people of Manipur get what they deserve and what they did not have for more than two years.

SHRI P.G. NARAYANAN (Tamil Nadu): Sir, before coming to the subject, I express my happiness to be a Member of this august House. I am grateful to the Chief Minister of Tamil Nadu, Dr. Puratchi Thalaivi, for having given me an opportunity to become a Member of this august House. Persons like me, hailing from an ordinary family in a tiny village of Tamil Nadu, never thought of becoming a Member of this House. Such is the rare opportunity she has provided me. Therefore, I will be loyal and sincere to her during my life-time.

Coming to the subject, I oppose the imposition of President's Rule in Manipur. Manipur became a fullfledged State in 1972. During the past 29 years of its Statehood, Manipur has had 25 Chief Ministers. Defection of MLAs from one party to another is the order of the day in Manipur. This present crisis is the creation of the BJP and the Samta Party. They have created this crisis. It is for them to find a way out.*

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Sir, I am on a point of order. Under sub-rule 1 of Rule 238, I mentioned about the case and other things. I mentioned about the mode of administration. If a particular statement is *sub-judice*, it should be expunged.

श्री संघ प्रिय गौतम: सर, इसे कार्यवाही से निकाल दिया जाए।

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): A matter which is before a court, cannot be referred to in the proceedings of the House. It is as per page 261 of 'The Rajya Sabha At Work'. So, it will be expunged. Please speak on the subject.

SHRI P.G. NARAYANAN: Sir, *

SHRI S. VIDUTHALAI VIRUMBI: He is again referring to it.

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* Expunged as ordered by the Chair.

SHRI P.G. NARAYANAN: *

श्री नरेन्द्र मोहन: (उत्तर प्रदेश)**:** आप *वगैरह की बातें करके सदन को गुमराह क्यों कर रहे हैं?**…(व्यवधान)…**

SHRI S. VIDUTHALAI VIRUMBI: *

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Narayanan, please listen to me. ..*(Interruptions)*... Please listen to me. ...*(Interruptions)*... Please sit down. Please sit down. This is your maiden speech. I feel, it should not be interrupted. That does not mean that you can speak on any issue. The subject is : President's rule in Manipur. Please speak on the subject on which the discussion is going on. You are requested to speak on the President's rule in Manipur.

SHRI P.G. NARAYANAN: He has made some allegations.

श्री बालकवि बैरागी: मिस्टर नारायणन, आप मेडन स्पीच को मैडम स्पीच में कन्वर्ट कर रहे हैं।

SHRI S. VIDUTHALAI VIRUMBI: *

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Virumbi, please don't interrupt.

SHRI S. VIDUTHALAI VIRUMBI: I am not interrupting him.

SHRI P.G. NARAYANAN: *

SHRI S. VIDUTHALAI VIRUMBI: '

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Narayanan, you will get another chance to speak on this matter. Please speak on the subject.

SHRI S. VIDUTHALAI VIRUMBI : *

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* Expunged as ordered by the Chair.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI):: Mr. Virumbi, I did not allow you. Your version will not go on record.

SHRI P.G. NARAYANAN: I have to refute the allegations made by him.

SHRI M. VENKAIAH NAIDU : Mr. Vice-Chairman, Sir, I don't want to enter into any controversy. Rule 230A is very clear. I only request the senior Member - he is not new to Parliament, compared to me; I am new not to make any allegation against the Central Ministers. He said,* This should not go on record. Please check the record. The hon. Member has also mentioned about * After all, there is freedom of the press. He should refrain from saying those things. He can speak on any other thing. There is no problem about it.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): That will not go on record. Mr. Narayanan, are you interested to speak on the subject?

SHRI P.G. NARAYANAN: He has made certain allegations. I have to refute them. He has also made certain allegations *.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Narayanan, are you speaking on President's rule in Manipur?

SHRI P.G. NARAYANAN: Mr. Virumbi also deviated from the main subject during the course of his speech.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): That has not gone on record. I have expunged that.

SHRI P.G. NARAYANAN: But you have allowed him. You should allow me also.

SHRI S. VIDUTHALAI VIRUMBI: I have mentioned about the different stand taken by the Congress Party.

SHRI P.G. NARAYANAN: He also referred to the freedom of the press in *. *.interruptions)...*

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* Expunged as ordered by Chair.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Please take your seat. I feel, you are not interested in speaking on the subject. Please take your seat. ...*(Interruptions)*... Please take your seat. If you are not interested in speaking on the subject, then, you will get another opportunity to speak. Then, that speech would be treated as the maiden speech. Don't worry. At that time, nobody would interrupt you. Should I call the Home Minister to reply?

SOME HON. MEMBERS: Yes.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Now, the Home Minister would reply.

श्री लाल कृष्ण आडवाणी: माननीय उपसभाध्यक्ष महोदय, मैं इस सदन के सदस्यों का बहुत आभारी हूं जिन्होंने इस ढ़ाई घंटे की चर्चा में एकमत से इस प्रस्ताव का समर्थन किया है। हां, इसमें सरकार की आलोचना हुई है, एन.डी.ए. की आलोचना हुई है, कुछ और विषय भी इसमें आ गए हैं, जो सदस्य जिसमें दिलचस्पी रखते हैं, उसका भी जिक्र यहां हुआ है और उसमें तीखी नोक-झोंक भी हुई है लेकिन कुल मिलाकर पूरे सदन ने जिस प्रकार से मणिपुर में राष्ट्रपति शासन की इस उदघोषणा का समर्थन किया है...(**व्यवधान**)...

श्री नीलोत्पल बसु: नहीं, हमने कहा है कि हम समर्थन नहीं कर रहे हैं।

We do not support the imposition of the President's Rule, because, we feel that the Central Government has created the situation where the President's Rule became inevitable.

SHRI L.K. ADVANI: I heard the speech delivered by Smt. Sarla Maheshwariji in which she concluded that the House should be dissolved and elections held. Now, having heard that..*(Interruptions)*...

SHRI NILOTPAL BASU: You should have done that in the first place.

SHRI L.K. ADVANI: I accept that you have not supported it.

SHRI NILOTPAL BASU: I only mentioned that to put the record straight.

SHRI L.K. ADVANI: I accept that because, you have just now said that you do not support it. But the final operative part of your Member's long statement made me realise that she is critical of the manner in which we have handled Manipur. She is critical of the manner in which we have kept the Assembly in suspended animation. But, at this present point of time, she says that the House should be dissolved and elections held. I cannot understand how the House can be dissolved. You supported it. I have gone through her entire speech. When she delivered her speech, I went through the whole thing, and I heard her entire criticism. At the present point of time, I am referring to the operative clauses of every Member.

एक-एक मेंबर ने जो ऑपरेटिव पार्ट कहा, उसके आधार पर मैंने जज किया और उसके आधार पर मैंने कहा लेकिन आप जब कहते हैं कि नहीं, मेरी पार्टी सपोर्ट नहीं करती तो मैं उसको स्वीकार करता हूं। लेकिन आपके प्रवक्ता का जो वक्तव्य था, उनकी ओर से जो बात कही गई, उसका अर्थ तो समर्थन था। जो ए.डी.एम.के. के सांसद थे, चूंकि उनका मेडन स्पीच होना अभी बाकी है, इसलिए मैं उनका काग्निजेंस नहीं लेता हूं।

SHRI NILOTPAL BASU: There is no legal problem in dissolving the House, and it is not the prerogative of the Government of India to first impose the President's Rule and then dissolve the House. She has made that point very clearly.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Nilotpal Basu, let the Minister reply. There should not be any cross debate.

SHRI L.K. ADVANI: You were the main Opposition party with the strength that the main Opposition party has today, and if you were to oppose our Motion, maybe, I would have had a different view. But, what she said was dissolution and elections. How can that be so unless you pass this Resolution? You should be clear in your own mind.

SHRI NILOTPAL BASU: We make it very, very clear that the dissolution was not dependent on the ratification by both the Houses. There is no legal compulsion. ...*(Interruptions)*...

SHRI L.K. ADVANI: I have with me the Bommai judgement because you have just now questioned it. "Though the power of dissolving the Legislative Assembly can be said to be implicit, in clause 1 of Article 356, it

must be held --this is the Supreme Court judgment- having regard to the overall constitutional scheme that the President shall exercise it only after the proclamation is approved by both Houses of Parliament under clause 3, and not before." The word 'not before' has been underlined by the Supreme Court judgment so that even if we had wanted to dissolve the House, we could not have dissolved it after this judgment. Therefore, we decided to keep it under suspended animation, and until both Houses of Parliament approve of it, we will not dissolve it, and now your Member, who spoke on behalf of the party, concluded her critical remark against the Government handling of Manipur, which says that the Assembly should be dissolved and elections held immediately. How can I interpret it in any other way, except when I say that all parties have supported the Motion?

I do not propose to go into the various comments made by the Members because I feel this is a rare occasion when everyone thinks that Article 356 has been rightly used and, therefore, it should be invoked.

Mr. Swaraj Kaushal has made observations about a matter to which I have referred saying that that was a matter that might come up for discussion later on, but, this evening, the Prime Minister is going to discuss the matter of Nagaland ceasefire with the Chief Ministers of the North-East. I did say that the Prime Minister had assured the representatives of various sections who had met him, and these include not only the people from Manipur, but also the people from Nagaland. Even the Naga representatives met him, and he had assured them that he was going to review the Agreement. But this is not something that I have announced. It is an assurance already given; and in pursuance of that assurance, he is going to discuss the matter with the Chief Ministers of all the North-Eastern States, including the Chief Minister of Nagaland, who also would be coming to this meeting. What decision takes, it is for him to decide, on the basis of his feedback, but I have certainly referred to the fact that there is a possibility that, after that, this House may have an occasion of discussing the matter. Therefore, I do not propose to refer to that matter at all in my reply.

Pranabji rightly pointed out-because I had referred to Article 355-- that Article 355 casts a duty on the Central Government to intervene not only in cases where there is a failure of Constitutional machinery but also in cases where a State is not able to face internal disturbance, not able to

face external aggression, and in those two cases also, it casts a duty on them. I may point out that there may not be internal disturbance, but a phrase that has been used by Justice Sarkaria is more appropriate to the situtation that you had referred to when you spoke about an incident of October, 2000. He says, "Some instances of what does or what does not constitute a constitutional failure within the contemplation of this Article may be grouped and discussed under the following heads: -

I. political crisis;
II. internal subversion;
III. physical breakdown; and
IV. non-compliance with constitutional directions of the Union Executive.

I went through the portion which deals with 'physical breakdown', and, there, Justice Sarkaria has spelt out his interpretation of 'physical breakdown': "where a Ministry, though properly constitutional"—meaning that they have not lost their majority; they have a majority; they have been duly elected; they have been duly constituted-'either refuses to discharge its responsibility to deal with a situation on internal disturbance, -or is unable to deal with such a situation which paralyses the administration and endangers the security of the State."

This was precisely the situation which had developed even before these defections and counter-defections that took place, even when the earlier Government was in place, and it was then that, for the first time, this Government did contemplate the invocation of Article 356 even though there was no political instability. And Pranabji knows that we did discuss the matter not exactly in October, but between the period of October and January. We did feel that a situation had arisen where something needed to be done.

But this is also true that whenever we invoke article 366, we have to take into account that article 356 has to be endorsed by both the Houses of Parliament. The Proclamation has to have the support of both the Houses, the Lok Sabha and the Rajya Sabha. Even at that stage, it was sounded. But we felt it might not be possible and, therefore, we stayed our hands. That is one point which I want to make.

The second point that I would like to make is that it is not true that the situation for the President's rule has arisen in Manipur because of a problem within the NDA. It is not true at all. There may be a problem in

Manipur among the people belonging to different parties who are supposed to belong to the NDA and there was some problem. I don't deny that. I would like to place on record that so far as the BJP is concerned, there were many occasions when a Government by the BJP could have been formed, but the BJP did not allow a Government to be formed on the basis (of such defections and we said no to it. ...*Interruptions)*... I am revealing no secret. ... *(Interruptions)*... I am revealing no secret. When I say that a majority. ...*(Interruptions)*...

सरला जी आपने ऐसा भाषण न किया होता तो मैं इसका जिक्र भी न करता क्योंकि आपने इसका जिक्र किया है, आपके कारण ही मैं इसका जिक्र कर रहा हूं अन्यथा मैंने तो उस एक कांग्रेस के मेम्बर की तारीफ की जिसने कांग्रेस पार्टी नहीं छोड़ी, वह समता पार्टी में नहीं गया। जो लोग समता के साथ गए, मुझे खुशी नहीं हुई और जो लोग हमारे साथ भी आये, हमारे साथ आने के बाद भी मैंने कहा कि इस प्रकार से सरकार इनकी नहीं बनेगी और मुझे इस बात की खुशी है कि मेरी पार्टी ने मेरी सलाह मानी। एक दिन तो वे सारे के सारे मेरे नार्थ ब्लाक के आफिस में आकर बैठ गए और उन्होंने कहा कि हमारे पास बहुमत है, हमको क्यों नहीं सरकार बनाने दी जा रही है। मैंने कहा कि नहीं, इस प्रकार की सरकार नहीं बनेगी और वह सरकार नहीं बनी। इस बात की मुझे खुशी है और मैं समझता हूं कि...(**व्यवधान**)...

कुमारी मैबल रिबैलो (मध्य प्रदेश): गोवा में आपने सरकार बना ली और मणिपुर में समता पार्टी अपनी सरकार बना सकती थी उनको आपने सरकार बनाने नहीं दिया। गोवा में आपने सरकार बना ली क्योंकि आपको गोवा में बीजेपी की सरकार दिखानी थी।...(**व्यवधान**)...

श्री लाल कृष्ण आडवाणी: नहीं मैं इस समय मणिपुर की बात कर रहा हूं।...(**व्यवधान**)...

कुमारी मैबल रिबैलो: मणिपुर में समता पार्टी सरकार बना रही थी इसलिए उनको आपने सरकार बनाने नहीं दी । गोवा में आपने बीजेपी सरकार बनानी थी इसलिए वहां पर सरकार बना ली।...(**व्यवधान**)...

SHRI NILOTPAL BASU: You made a statement that the BJP had not formed a Government on the basis of defections. ...*(Interruptions)*... It is not true *(Interruptions)*...

SHRI L.K. ADVANI: I have not said that. ...*(Interruptions,...*

SHRI NILOTPAL BASU: Sir, you see the record. He made a statement that the BJP had not formed a Government on the basis of defections. ...*(Interruptions)*...

SHRI LK. ADVANI: I am confining myself to Manipur. ...*Interruptions)*... मैं यह नहीं कहता हूं कि भारतीय जनता पार्टी ने, मैं यह दावा नहीं कर रहा हूं कि भारतीय जनता पार्टी ने दल-बदल के आधार पर पहले कभी सरकार नहीं बनाई, यह मेरा दावा नहीं है।...(**व्यवधान**)...

श्री मूल चन्द मीणा: (राजस्थान): मणिपुर में भारतीय जनता पार्टी ने सरकार बना ली होती तो आज यह हालत न होती।...(**व्यवधान**)...

श्री लाल कृष्ण आडवाणी: मैं मणिपुर के सिलसिले में कह रहा हूं।...(**व्यवधान**)...

श्री रवि शंकर प्रसाद (बिहार): उपसभाध्यक्ष महोदय, यह क्या तरीका है।...(**व्यवधान**)...

श्री लाल कृष्ण आडवाणी: आप बैठिये, आप बैठिये। मैंने जब यह दावा किया, क्योंकि हम आज मणिपुर में राष्ट्रपति शासन लगाने के विषय पर चर्चा कर रहे हैं और उस संदर्भ में सरला जी ने कुछ बातें कहीं, तो मुझे लगा कि कम से कम ऑन रिकार्ड मैं कह दूं कि यह स्थिति थी, पूरे का पूरा बहुमत लेकर वे मेरे पास आये कि हम सरकार हैं, आप हमें क्यों नहीं सरकार बनाने देते हैं। मैंने कहा कि नहीं बनानी, मैं कम से कम इसके पक्ष में नहीं हूं, बाकी आपकी पार्टी के अध्यक्ष जो कहेंगे वह मानना पडेगा।...(**व्यवधान**)...

श्रीमती सरला माहेश्वरी: जब से आर्डिनेंस...(**व्यवधान**)...

कुमारी मैबल रिबैलो: आप सरकार बना लेते।...(**व्यवधान**)...

श्री भारतेन्तु प्रकाश सिंहल(उत्तर प्रदेश): उपसभाध्यक्ष महोदय, यह इंटरफेयरेंस बंद होना चाहिए।...(**व्यवधान**)...

श्री लाल कृष्ण आडवाणी: मैं समता पार्टी को रोक नहीं सकता था। मैं अपनी पार्टी के बारे में अपने अध्यक्ष को अपनी सलाह दे सकता था, इतनी बात है।

उपसभाध्यक्ष महोदय, आज फिर मैं इस बात को दोहराना चाहूंगा कि जहां तक मणिपुर की इंटिग्रिटी का सवाल है, उसकी सीमाओं का सवाल है, इस पार्टी ने, जो चीजें बाकी सदस्यों ने भी कही है और जो स्वराज कौशल जी उस समय चर्चा कर रहे थे एनएससीएन (आईएम) के साथ उन्होंने इस बात को दोहराया है। उन्होंने भी इस बात को दोहराया। हम इस मामले में कमिटिड है कि नॉर्थ ईस्ट की ये जो स्टेट्स हैं N.S.C.N.(I.M.)से चर्चा करते हुए, N.S.C.N.(K) से चर्चा करते हुए, नागालैंड में शांति स्थापना के प्रयत्न करते हुए भी हम इनकी सीमाओं में किसी भी प्रकार का फेर बदल नहीं करेंगे, यह मैं दोहराना चाहता हूं। एक दूसरी बात मैं यह भी फिर से दोहराना चाहूंगा क्योंकि मेरी मनमोहन सिंह जी से और प्रणव जी से व्यक्तिगत तौर पर बात हुई थी कि सरकार- दोनों सदनों से जब यह प्रस्ताव पारित हो

जाएगा, उसके बाद असैंबली को डिज़ॉल्व करना चाहेगी और तुरन्त चुनाव करने की बात न करके जो बात अभी-अभी नारीमन साहब ने कही कि वहां पर कुछ समय तक राष्ट्रपति शासन के अधीन सुशासन हो, अच्छा राज्य हो, भ्रष्टाचार का मुकाबला हो, आम नागरिक की सुरक्षा हो, वहां की व्यवस्था अच्छी हो इस दिशा में प्रयत्न करेगी। बहुत-बहुत धन्यवाद।

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): I shal put the Statutory Resolution to vote. The question is:

> "That this House approves the Proclamation issued by the President on the 2nd June. 2001 under article 356 of the Constitution in relation to the State of Manipur."

The motion was adopted.

PRIVATE MEMBERS' BILLS

The Representation of the People (Amendment) Bill 2001.

श्री राजनाथ सिंह "**सूर्य**" (उत्तर प्रदेश): महोदय, मैं प्रस्ताव करता हूं कि लोक प्रतिनिधित्व अधिनियम, 1951 का और संशोधन करने वाले विधेयक को पुर:स्थापित करने की अनुमति दी जाए।

The question was put and the motion was adopted.

श्री राजनाथ सिंह सूर्य :महोदय, मैं विधेयक को पुर:स्थापित करता हूं ।

The Indian Penal Code (Amendment) Bill, 2001.

श्री राजनाथ सिंह "सूर्य" (उत्तर प्रदेश): महोदय, मैं प्रस्ताव करता हूं कि भारतीय दंड संहिता, 1860 का और संशोधन करने वाले विधेयक को पुर:स्थापित करने की अनुमति दी जाए।

The question was put and the motion was adopted

श्री राजनाथ सिंह "सूर्य": महोदय, मैं विधेयक को पुर:स्थपित करता हूं।